



UCCS CAMPUS POLICY

Policy Title: Campus Exclusions

Policy Number: 100-015

Policy Functional Area: Administration/Organization

Effective: December 16, 2014
Approved by: Pam Shockley-Zalabak, Chancellor
Responsible Vice Chancellor: Vice Chancellor of Finance and Administration (VCAF)
Office of Primary Responsibility: VCAF
Policy Primary Contact: UCCS Police, 719-255-3111
Supersedes: N/A
Last Reviewed/Updated: December 16, 2014
Applies to: Students, faculty, and staff

Reason for Policy: Regent Law 14.B.6 provides for the exclusion of persons from University property and sets forth requirements for the campuses to establish an appropriate campus procedure for hearing appeals from exclusion orders.

I. INTRODUCTION

The warnings and exclusions are intended to provide reasonable protection to the University community as well as provide notice to those individuals accused of violating the Laws and Policies of the Regents, University rules, regulations, and policies, or local, state, and federal laws.

II. POLICY STATEMENT

- A. Regent Law 14.B.6 provides for the exclusion of persons from University property and sets forth requirements for the campuses to establish an appropriate campus procedure for hearing appeals from exclusion orders. The president and chancellors are the individuals authorized under Regent Law 14.B.6 to exclude persons from University property and may further delegate this authority.
- B. The UCCS Chancellor has delegated to the Chief of Police and UCCS Police Officers the power to act as custodian of the property of the University for the purposes of enforcing University laws, policies and procedures and/or local, state and federal laws. This power to act shall include, but not be limited to the following:

1. Arresting those persons who commit criminal acts on University owned or leased property in violation of University laws, policies or procedures or local ordinances, Colorado law or federal laws;
2. Issuing warnings to those persons who are in violation of University laws, policies or procedures; and
3. Excluding any person whose behavior is deemed to be detrimental to the well-being of the University or incompatible with the function of the University as an educational institution. Included are those persons who interfere with staff, students, or faculty of the University of Colorado Colorado Springs in the performance of their job duties or educational pursuits, or those persons who interfere with visitors to the University who are on official business at the University.

C. Procedures:

1. Type of Warning/Exclusions

- a. Warning: A warning may be used to inform individuals of the University's laws, policies, and procedures, and consequences for violations. A warning may be issued when a minor criminal violation or a violation of University law, policy or procedure has occurred on or affected the campus. When a police officer issues a warning, there will be an associated entry into the UCCS PD Computer Aided Dispatch (CAD) system.
- b. Temporary/Limited Exclusion: A temporary/limited exclusion may be issued when a minor criminal violation or a violation of University law, policy or procedure has occurred on campus. A temporary/limited exclusion is an exclusion (ban) of the individual from University property for a finite period of time. It may also be issued for a specific location on campus (i.e. Library, Residence Life and Housing, etc.) A temporary/limited exclusion may or may not be issued pursuant to the serving of a summons and complaint.
- c. Permanent Exclusion: A permanent exclusion will result in the exclusion of an individual from a specific area of the campus or the entire campus for an indefinite period of time. It may be used when:
 - i. A person has committed a serious violation of the law, or has repeatedly violated University laws, policies or procedures, and/or:
 - ii. The continued presence of the individual is deemed to be detrimental to the well-being of the University and/or its students, faculty, staff, and visitors, or incompatible with the function of the University as an educational institution.
 - iii. Behavior can include but is not limited to:
 - a) Interfering with campus operations;
 - b) Unauthorized presence in a controlled area;
 - c) Disturbing others;
 - d) Unauthorized activity.

All temporary/limited or permanent exclusions shall be issued by the UCCS PD. In issuing either a temporary/limited or permanent exclusion, the UCCS PD officer must determine that an individual's actions, conduct, or presence is detrimental to the wellbeing of the University or incompatible with the function of the University as an educational institution. For either exclusion:

- a) UCCS PD will complete a criminal or significant incident report.
- b) If the excluded person(s) is a student, The Office of the Dean of Students will place an identifying hold on that student's Integrated Student Information System (ISIS) account.

2. Students

- A. For any exclusions of students, the UCCS PD will notify and coordinate with the Office of the Dean of Students.
- B. The procedures for hearings and appeals required by this policy supersede processes outlined in the Student Code of Conduct. The Dean of Students may, however, initiate a separate judicial process under the Student Code of Conduct for the same behavior.
- C. Faculty may contact the Office of the Dean of Students for any questions related to an excluded student's academic status.

D. Hearings:

All individuals have the right to a hearing regarding receipt of a temporary/limited or permanent exclusion, but not for warnings, based on the process outlined below:

1. The excluded individual may request a hearing for the exclusion with the UCCS PD Police Chief, but must make the request within 5 business days from the date of the exclusion. If the excluded individual does not request a hearing, he/she waives all rights to challenge or appeal the exclusion.
2. The UCCS PD Police Chief or his/her designee shall schedule a time for the hearing to take place within 7 business days after receiving a hearing request from the excluded individual. All hearings shall take place at the Department of Public Safety.
3. The excluded individual may bring a representative or advisor to the hearing. This representative is not allowed to speak on behalf of or advocate for the excluded individual. The hearing will take place in an informal manner, without formal rules of evidence or procedure.
4. During the hearing, the Chief or his/her designee will present information to the excluded individual about why they have been excluded from campus, including any specific allegations against the individual surrounding the exclusion order.
5. The excluded individual will have the opportunity to present information explaining why he/she believes they should not be excluded from University property. This may include written statements, as well as a list of any pertinent witnesses.
6. The Chief or his/her designee will consider the evidence brought forth in the hearing, and based on a preponderance of the evidence, make a final determination regarding the status of the exclusion.
7. Throughout the duration of the hearing process, the excluded individual will continue to be excluded from campus.
8. The length and terms of the exclusion shall be within the discretion of the Chief or his/her designee.

E. Appeals:

All individuals may appeal their exclusion from campus and subsequent hearing decision, subject to the process outlined below:

1. Appeals to issued exclusions must be made by the excluded individual to the UCCS Vice Chancellor of Administration and Finance or his/her designee in writing within thirty (30) calendar days of the hearing with the UCCS PD Chief or his/her designee. Failure to request a review within the designated period constitutes a waiver of an appeal.
2. Throughout the duration of the appeal process, the excluded individual will continue to be excluded from campus. Upon receipt of the request for review, the UCCS Vice Chancellor of Administration and Finance or his/her designee will review any material provided by the excluded individual during the hearing and any additional material provided by the excluded individual and make a determination of whether the exclusion order should be upheld. The UCCS Vice Chancellor of Administration and Finance or his/her designee will not conduct a subsequent hearing or conduct interviews. A decision by the UCCS Vice Chancellor of Administration and Finance or his/her designee to uphold the exclusion must be made in consultation with the Chancellor prior to issuance of a final outcome.
3. The excluded individual will be notified via e-mail and/or U.S. mail of the final outcome. The determination of the UCCS Vice Chancellor of Administration and Finance or his/her designee is final.

III. KEY WORDS

IV. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

- A. Administrative Policy Statements (APS) and Other Policies
- B. Procedures
- C. Forms
 1. [Exclusion Form](#)
- D. Guidelines
- E. Other Resources (i.e. training, secondary contact information)
- F. Frequently Asked Questions (FAQs)

V. HISTORY

Initial policy approval December 16, 2014