



**Idaho State
University**

POLICIES AND PROCEDURES

University Trespass

ISUPP 9050

POLICY INFORMATION

Policy Section: *Public Safety*

Policy Title: *University Trespass*

Responsible Executive (RE): *Public Safety Director*

Sponsoring Organization (SO): *Public Safety*

Effective Dates: *TBD*

Last Reviewed: *New Policy*

Next Reviewed: *May 2031*

I. INTRODUCTION

The University is committed to maintaining a safe, secure, and respectful environment for all members of its community. Unauthorized presence on, or access to, University property—whether physical or digital—undermines this environment and will not be tolerated. The University prohibits trespass in any form, including both unauthorized physical entry onto University premises and unauthorized access to or interference with University digital or electronic systems.

This policy establishes the University's authority to restrict access to its property and systems in order to protect institutional integrity, safeguard the community, and ensure compliance with applicable laws and regulations. It defines trespass broadly to include both physical and digital conduct and provides a framework for enforcement and sanctioning of violations.

II. DEFINITIONS

- A. **Authorized University Official.** Public Safety Officers or other individuals expressly designated by the University to enforce access control including, but not limited to, the Director of Equal Opportunity and Title IX, Human Resources, and Student Affairs.
- B. **Digital Trespass.** The unauthorized access, alteration, deletion, or disruption of a computer, computer system, or data. It occurs when someone intentionally gains access to a digital device or network without permission.

- C. Excluded Individual. An individual subject to a University NoTrespass Order.
- D. Notice of Trespass (NoTrespass Order): A written or oral directive issued to an individual prohibiting entry onto University property for a specified duration or indefinitely.
- E. University Property: All land, buildings, structures, and facilities, or systems that are owned, leased, or controlled by the University. For purposes of this policy, Property includes both physical premises (such as land, buildings, and facilities) and digital or electronic property (such as University networks, information systems, databases, email systems, and other electronic resources).
- F. Trespasser. Any person who enters or remains on University property without legal right, authority, or express permission.
- G. Trespass. Entering, remaining upon, or using University property, facilities, or systems without authorization or lawful purpose, or after notice that such entry, presence, or use is prohibited. Trespass includes both physical presence on University premises without authorization and unauthorized access to or interference with University digital or electronic systems.

III. AUTHORITY AND RESPONSIBILITY

- A. Director of Equal Opportunity and Title IX. The Director of Equal Opportunity and Title IX has the authority to issue NoTrespass Orders arising within the scope of their responsibility.
- B. Director of Public Safety. The Director of Public Safety is responsible for considering First Level Appeals.
- C. Office of Human Resources. The Office of Human Resources has the authority to issue NoTrespass Orders arising within the scope of their responsibility.
- D. Public Safety. Public Safety is responsible for issuing NoTrespass Orders.
- E. Vice President for Operations. The Vice President for Operations is the Second Level Appellate Authority for all individuals who are not students of the University.
- F. Vice President of Student Affairs. The Vice President of Student Affairs is the Second Level Appellate Authority for students.

IV. POLICY STATEMENT

This policy establishes a comprehensive framework for preventing, identifying, managing, and remedying unauthorized access (trespassing) on all University-owned, -leased, or -controlled properties, including but not limited to academic buildings, administrative offices, residence halls,

athletic facilities, and grounds. It ensures the safety and security of University stakeholders and assets while preserving lawful access consistent with institutional and legal obligations.

Unauthorized presence on University property, including digital properties, constitutes trespass and is strictly prohibited. For purposes of this policy, “trespass” includes unauthorized access to, interference with, or use of University digital, electronic, or information systems. Individuals who gain or attempt to gain access to such digital systems without proper authorization, exceed the scope of their authorized access, or engage in conduct that disrupts or compromises the integrity, security, or availability of University digital resources, are subject to this policy and may be subject to disciplinary action, exclusion from University property and systems, and referral for civil or criminal enforcement as appropriate.

V. ENFORCEMENT AND PROCEDURES

- A. Scope. This policy applies to all individuals, including students, alumni, employees, contractors, visitors, and members of the public, who enter upon or access University property, facilities, or systems. It applies to conduct occurring on University premises as well as in University-managed or -owned digital environments
 1. For purposes of this Policy, property includes both:
 - a. Physical property, such as land, buildings, facilities, and other physical spaces owned, leased, or controlled by the University; and
 - b. Digital or electronic property, such as University networks, servers, databases, email systems, online platforms, and other information technology or digital resources.
 2. Trespass includes, but is not limited to:
 - a. Physical presence on University property without authorization;
 - b. Remaining on University property after being directed to leave;
 - c. Unauthorized access to, use of, or interference with University digital or electronic systems and / or property; or
 - d. Conduct that compromises the integrity, security, or operation of University systems or property.
 3. Enforcement. The University reserves the right to:
 - a. Deny entry to individuals without legitimate business or academic purposes;
 - b. Eject individuals who fail to comply with access control measures;
 - c. Issue NoTrespass Orders as necessary to ensure safety, security, and operational continuity; and /or,

- d. Refer violators for discipline through the Student Conduct process or Office of Human Resources, civil action and/or criminal action.
4. This policy is not intended to supplant Emergency Removal provisions under Title IX, but would work in tandem with Title IX procedures to ensure the safety of affected individuals.

B. Identification and Initial Response

1. **Physical Trespass.**
 - a. All University affiliated individuals whose presence appears unauthorized or whose conduct suggests potential security risks on University property must, upon request from University Public Safety, present valid identification or demonstrate lawful presence.
 - b. Suspicious or noncompliant individuals who are reasonably suspected of a crime may be detained briefly for identification and investigation consistent with legal standards.
2. **Digital Trespass.** The University reserves the right to disable network access for incidents of Digital Trespass. Cases of Digital Trespass may result in exclusion from University computer access and/or any other sanctions available under ISUPP 2400 *Acceptable Use*.

C. Warnings and Exclusions

1. **A NoTrespass Order** will be tailored to individual situations, including whether the NoTrespass Order includes all University property, or specific locations of exclusion.
2. **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.
3. **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.
4. **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:

- a. A person has committed a serious violation of the law;
- b. Has repeatedly violated University policies or procedures; and/or,
- c. 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.

D. Issuance of NoTrespass Orders

- 1. An Authorized University Official may issue a NoTrespass Order in circumstances including, but not limited to:
 - a. The individual is violating University policy, either physically or digitally.
 - b. The individual has previously violated University policies or engaged in disruptive, threatening, or criminal conduct.
 - c. The individual poses a risk to the health, safety, or welfare of the University community or property.
 - d. Title IX emergency removal procedures, which will be processed under ISUPP 1120 *Sexual Harassment Under Title IX*.
 - e. The individual received a previous NoTrespass Order and Public Safety reissues the NoTrespass Order based on continuing need after reevaluation. In making this decision Public Safety will consider factors including, but not limited to:
 - i. Violations of the NoTrespass Order;
 - ii. History of policy violations;
 - iii. CARE team assessments, if available;
 - iv. Severity of the original incident in which a NoTrespass Order was issued; and,
 - v. Continuing threat.
- 2. NoTrespass Order.
 - a. The NoTrespass Order shall include:
 - i. Full legal name and description of the individual;
 - ii. Description of the prohibited locations;
 - iii. Duration of prohibition;
 - iv. Consequences of noncompliance; and,
 - v. Appeal procedures.
 - b. The order may be delivered:

- i. In person;
 - ii. Via registered mail;
 - iii. Via email (if prior digital engagement exists); and/or,
 - iv. Verbally, for immediate temporary enforcement, followed by written confirmation, if possible.
3. Students
 - a. For any exclusions of students, Public Safety 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.
 - c. The Dean of Students may, however, initiate a separate judicial process under the Student Code of Conduct for the same behavior.
 - d. Faculty may contact the Office of the Dean of Students for any questions related to an excluded student's academic status.
 4. The Department of Public Safety will keep a record of all NoTrespass Orders.
 5. The Office of Student Affairs will keep a copy of all NoTrespass Orders issued to students, including those communicated in a Conduct Letter and also forward a copy to the Department of Public Safety.

E. Ejection Procedures

1. Immediate Removal. Upon determining that an individual is trespassing:
 - a. Public Safety shall request the individual to vacate the premises immediately.
 - b. If the individual refuses, Public Safety may effectuate ejection using reasonable and lawful physical means.
 - c. If resistance or violence occurs, Public Safety may detain the individual until law enforcement can arrive and enforce necessary criminal statutes.
2. Documentation. All ejections and orders must be documented, including:
 - a. Incident date, time, and location;
 - b. Name and contact of the enforcing officer or official;
 - c. Grounds for ejection;
 - d. Whether law enforcement was involved; and/or
 - e. Any use of force or arrest.

F. Appeals and Reinstatement

1. First Level Appeal

- a. Individuals subject to a NoTrespass Order exceeding fourteen (14) calendar days in duration may submit a written appeal to the Director of Public Safety, or designee, within five (5) business days of issuance.
- b. If the Excluded Individual does not submit an appeal before the deadline, the Excluded Individual waives all rights to challenge or appeal the exclusion.
- c. NoTrespass Orders can only be appealed for the following reasons:
 - i. The policies and processes in this policy were not followed, resulting in significant prejudice in the results;
 - ii. The decision reached was made on substantial misinformation;
 - iii. The decision reached was based on substantiated bias on the part of the Public Safety Officer; and/or
 - iv. New information has emerged that was not available at the original determination.
- d. A written appeal must include:
 - i. The Excluded Individual's name and contact information;
 - ii. The date of the NoTrespass Order;
 - iii. A statement explaining why the Excluded Individual believes the NoTrespass Order is unwarranted or should be modified; and,
 - iv. Any supporting documentation the Excluded Individual wishes to provide.
- e. The Director of Public Safety, or designee, will consider the evidence brought forth in the written appeal, and based on a preponderance of the evidence, make a final written determination regarding the status of the NoTrespass Order. The determination will include:
 - i. The Appeals Decision;
 - ii. Factors considered in making the decision;
 - iii. Evidence considered in making the decision;
 - iv. Length of NoTrespass, if continued; and,
 - v. Procedures for submitting a Second Level Appeal.
- f. Throughout the duration of the appeals process, the Excluded Individual will continue to be excluded from campus.

- g. The length and terms of the exclusion shall be within the discretion of the Director of Public Safety, or designee.
2. Second Level Appeal
 - a. Unless the Excluded Individual is a student, including students in employee positions, the Second Level Appeals to NoTrespass Orders must be made by the Excluded Individual to the Vice President of Operations, or designee, in writing within fifteen (15) calendar days of the First Level Appeal decision.
 - b. If the Excluded Individual is a student, the student must Appeal the NoTrespass Order to the Vice President of Student Affairs, or designee, in writing within fifteen (15) calendar days of the First Level Appeal decision.
 - c. A Second Level Appeal can only be initiated based on the same factors as First Level Appeals listed in VI.F.1.c., above.
 - d. The appeal should include:
 - i. A copy of the First Level Appeal decision;
 - ii. A copy of the First Level Appeal packet; and/or,
 - iii. New evidence that was not reasonably available to the appellant at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
 - e. Failure to request a review within the designated period constitutes a waiver of an appeal.
 - f. Throughout the duration of the appeal process, the Excluded Individual will continue to be excluded from campus.
 - g. Upon receipt of the request for review, within ten (10) business days, the Second Level Appellate Authority will review any acceptable material provided by the Excluded Individual in the written appeal and, in consultation with the Office of General Counsel and other Units deemed appropriate, determine whether to uphold the NoTrespass Order.
 - h. The determination will be made within a reasonable time.
 - i. The Excluded Individual will be notified via e-mail and/or U.S. mail of the final outcome.
 - j. The decision of the Second Level Appellate Authority is the final University decision.
 - k. Following final University decision students can file a grievance to the state board, pursuant to SBOE III.P.17.

G. Special Considerations

1. Minors. An attempt may be made to contact the legal guardian of any minors found trespassing and may be reported to local authorities.
2. Students. Enrolled students are subject to the Student Code of Conduct in addition to sanctions under this policy. Violations may result in disciplinary action under both policies.
3. Protest and Assembly.
 - a. Nothing in this policy shall be construed to limit lawful expression or peaceful assembly consistent with the University's Expressive Activity policies.
 - b. However, all expressive activities must be in compliance with time, place, and manner restrictions.

H. Sanctions. Violations of this policy may result in:

1. Immediate removal from University property;
2. Issuance of criminal trespass citations;
3. Civil prosecution for damages or injunctive relief; and/or,
4. Disciplinary action if the violator is a student or employee.

VII. RELATED LAWS, POLICIES, AND PROCEDURES

- A. Idaho Code §18-7008 Criminal Trespass—Definitions and Acts Constituting
- B. Idaho State Board of Education Governing Policies and Procedures, § III.P.17
- C. ISUPP 1110 *Equal Opportunity and Prohibition of Discrimination, Harassment and Retaliation*
- D. ISUPP 1120 *Sexual Harassment Under Title IX*
- E. ISUPP 2400 *Acceptable Use*
- F. ISUPP 3050 *Categories of Employees*
- G. ISUPP 5000 *Student Code of Conduct*
- H. ISUPP 11010 *Use of University Space for Expressive Activity*