

Criminal Trespass

Policy 301.3

1 Introduction

1.1 Under the Laws of North Carolina (GS 14-159.12 and 14-159.13), Appalachian State University has the right to forbid a person to come on its property, in order to maintain an atmosphere in which people in the University community can go about their varied activities. No person has the right to be on the University campus unless he or she is there to conduct some type of business or is invited by University personnel.

1.2 The following procedures have been established for University personnel when they have observed incidents involving person(s) who are a nuisance or a perceived threat. As an employee of the University should you be faced with the situation of dealing with a person(s) that is unruly, a nuisance, or you feel threatened, you have the option of advising this person to leave the premises. He or she could be charged with trespassing, or you may call the University Police Department for assistance in removing this person from campus. Refusal of the person to comply with this request could result in his or her arrest for trespassing.

1.3 It is necessary that the grounds for such warnings be consistent and that warnings be given adequately. Therefore, the following guidelines should be followed when such trespassing warnings are necessary.

2 Scope

2.1 This policy applies to all faculty, staff, students and visitors to the campus of Appalachian State University.

3 Definitions

3.1 Trespass

A wrongful entry upon the property of another.

4 Policy and Procedure Statements

4.1 Grounds For A Trespassing Warning

4.1.1 Guidelines - Appalachian State University is open to its faculty, staff, students, and legitimate visitors. Legitimate visitors would include those who come to visit the University or people here, to see the sights and those who drive across the campus from one place to another. Persons to whom the campus is open do not always have the "right" to be in specific areas at any time. (Example: residence halls, class rooms, business offices, etc.) Therefore, any person can be trespassing from specific parts of the campus, and the rest of the campus may remain open to him or her.

4.1.2 Trespass Warning - In order to issue a trespass warning, there must be a reason based upon his or her actions, or the location and the time of day. The person's race, age, or appearance cannot enter into the reason for the trespass warning. Furthermore, since numerous persons walk around campus at all hours, the time of day alone is rarely a reason for a trespass warning.

1. Persons may be issued a trespass warning for any of the following reasons:
2. Been observed prowling around buildings or parking lots without explanation
3. Committed any crime on campus
4. Been a nuisance to any member of the University community
5. Refused to identify him or herself
6. Behaved suspiciously or disorderly

4.2 Arrest

4.2.1 When a trespass warning has been given it is hoped that an arrest will never be necessary; however, arrest may be necessary in some cases. The following situations clearly indicate that an arrest is indicated:

1. A person has been warned but refused to leave the campus.
2. A person is stopped and records indicate that the person has received a previous trespass warning.

4.2.2 Normally an arrest should not be made when the warning is over one year old, unless the warning has been given in court by a judge for a longer period of time.

4.2.3 If there is doubt concerning the arrest, the officer can give another trespass warning and escort the person from campus. The officer should review the case with the appropriate supervisor and take out a warrant if necessary.

4.3 Who can issue A Warning?

4.3.1 All University administrators and law enforcement personnel can issue a trespass warning anywhere on Appalachian State University property. All SHRA, EHRA staff (includes Residence Directors) and full-time temporary employees can issue a trespass warning when in their area of job assignment (this would include offices, class rooms, residence halls, etc.).

4.4 Miscellaneous Information

4.4.1 When a trespass warning has been given verbally by an Appalachian State University administrator, faculty or staff member, he or she will be required to sign the warrant and appear in court should this action result in an arrest.

4.4.2 When the warning is issued by an administrator or law enforcement officer in written form, the faculty or staff member may not have to appear in court.

4.4.3 In the event a non law enforcement person issues a trespass warning, the situation has the potential to worsen and we encourage all staff and faculty to notify the University Police Department as soon as possible. Promptly contacting the Office of Public Safety/ University Police will permit the responding officer to issue an official warning and if necessary make an arrest.

5 Additional References

6 Authority

7 Contact Information

8 Original Effective Date

9 Revision Dates

November 5, 2021 - previously policy 301.3