

**Policy Procedure:** Trespass Notices

**Procedure Number:** 304P

**Contact Information:** [novapolice@nvcc.edu](mailto:novapolice@nvcc.edu)

**Forms:** [Sample Ban Notice](#)

**Last Reviewed Date:** 07/23/2020

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1. Grounds
  - a. An individual whose behavior or conduct poses a threat to the health, safety, welfare, or academic experience of members of the College community may be asked to modify their behavior or leave College property. If the individual refuses to comply, an authorized College official may issue an administrative ban notice.
  - b. College Police may also issue trespass notices when they have detained or removed a person from College property in the course of their legitimate law enforcement activities.
2. Scope and Duration
  - a. The scope, duration, and other stipulations of the ban or trespass notice must be proportional to the underlying misconduct and must be narrowly tailored to protect the College community from further misconduct. The duration of a ban or trespass notice is one year unless otherwise specified within the written notice, or as modified during appeal, or withdrawn in writing by an authorized College official.
  - b. When a student or employee's behavior is disruptive to College operations or poses a significant risk of harm to the campus, College Police may require the individual to leave for one business day and will report the incident to the appropriate Authorized College Official to determine whether the issuance of a trespass notice or other action is necessary.
3. Requirements
  - a. An administrative ban or trespass notice must state:
    - i. the area to which the notice applies
    - ii. the dates that the notice is in effect
    - iii. how the notice may be appealed
    - iv. a warning that violation of the notice may result in further disciplinary action, up to and including expulsion or termination of employment, and/or arrest
  - b. An administrative ban or trespass notice must be delivered to the person who is the subject of the notice in writing, by letter, e-mail or personally delivered.
  - c. If feasible, an authorized college official who wishes to issue an administrative ban notice should first consult with the Office of Associate System Counsel.
4. Appeal

- a. An individual who has received an administrative ban or trespass notice may appeal the notice in writing within five business days to the College official indicated in the notice. The appeal must include a complete explanation for the conduct that led to the ban or trespass notice, the basis for the desire to be on College property, and any other information the person wishes to be considered.
  - b. A written response to the appeal will be issued within ten business days. That decision will be considered final.
5. Consequences for Violation of Trespass Notice
- a. A current student or employee who violates an administrative ban or trespass notice may face disciplinary consequences up to and including expulsion or termination of employment. Disciplinary procedures shall be in accord with the Code of Student Conduct or the applicable staff or faculty disciplinary procedures.
  - b. College Police may arrest a person who refuses to leave College property after being issued a criminal trespass notice.
6. Records
- a. Authorized College officials must notify College Police in writing when they issue an administrative ban notice and provide a copy of the notice to the Police and the relevant campus Provost. College Police will maintain a listing of banned individuals.
  - b. When an authorized college official lifts or modifies the ban, they shall provide written notice to College Police and relevant campus provost so that records may be updated.
  - c. College officials who have a legitimate interest in the incident will be notified on a case-by-case basis.

## **Definitions**

Administrative ban: a directive or notice, sent by an authorized College official in writing by letter, e-mail or personally delivered, notifying an individual that they are prohibited from entering College property or some particular portion of it.

Authorized College Official: those College officials who have been designated by this policy to issue or modify an administrative ban notice or to respond to the appeal of an administrative ban notice, including: AVP of Human Resources for employees; Deans of Students for students; AVP for Fair Practice/Title IX Coordinator; Directors of Campus Operations for visitors.

College property: all buildings, facilities, and other property owned or controlled by the College, including but not limited to classrooms, administrative buildings, parking lots, athletics fields and facilities, and vehicles.

Criminal trespass: occurs when an individual violates a trespass notice.

Deans of Students: for purposes of this policy, campus Deans of Students, Director of Student Services for NOVA Online and designated Workforce Development official.

Trespass notice: a notice issued by College police, notifying an individual that they are prohibited from entering College property or some particular portion of it; may also be issued when an individual has violated an administrative ban issued by an authorized College official.

## Administrative Ban Notice

To (name and address):

Date:

This office has received information indicating that your continued presence on campus poses a significant threat to the health, safety, welfare, or academic experience of members of the College community. This letter serves as official notice that you are not to be physically present on the following NOVA property:

All property or facilities associated with Northern Virginia Community College

Specific NOVA Campus: \_\_\_\_\_

Other: \_\_\_\_\_

This notice in effect for:

One year from the date of this notice

Other: \_\_\_\_\_

If you violate this trespass notice, you may be subject to arrest for criminal trespass pursuant to Virginia Code §18.2-119.

You may appeal this notice in writing within five business days to the College official indicated below:

Provost – name and address

The appeal must include a complete explanation for the conduct that led to the administrative ban notice, the basis for the desire to be on College property, and any other information you wish to be considered. A written response to the appeal will be issued within ten business days. That decision will be considered final.

Signed by

(authorized college official)

Copy: College Police

Provost

Anyone else with a specific need to know