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**Responsible University Office:**  
*UNK Police*

**Responsible University Administrator:**  
*Vice Chancellor Business and Finance*

**Policy Contact:**  
*Chief Jim Davis*  
*Director UNK Police*

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## Trespass Policy

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### Scope

The University of Nebraska at Kearney is an established institution of higher education, and is an entity generally open to the public. However, there are times when individuals, due to their actions, may be legally barred from University premises. This policy establishes the general framework in which notification of trespass and actions for trespass should be undertaken.

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### Policy Statement

It is the policy of the University of Nebraska at Kearney to maintain an academic community which is open and accessible to the public. However, when an individual's actions are deemed to be harmful and/or disruptive to the university and/or its individual members; where the individual's actions are harmful, disruptive, and/or contrary to the University's policies, rules or regulations; or where the individual's actions are contrary to law, a trespass warning may be given to that individual to maintain an environment free of those disruptive, harmful, and/or unlawful influences.

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## Reason for Policy

We welcome visitors on campus during stated public hours. However, we also take disruptions to the campus peaceful learning environment seriously. The University has a process where persons who cause significant damage to property or pose threats to campus may not be allowed on campus.

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## Procedures

### Notice Procedures

1. Any person requesting that a ban and bar notice be issued shall make the request to a campus police or security officer and shall provide an explanation as to why it should be issued. Though violations of residential living unit rules or the Student Code of Conduct may lead to a student's eviction from residential living units or expulsion from all or part of campus, only campus police or security officers have the authority to issue ban and bar notices.
2. Any person who receives a ban and bar notice must be read the notice verbally. The recipient of the notice must receive a copy of the written notice containing information about the right to appeal the notice. Ordinarily, ban and bar notices will be issued to persons who are not current University students or employees; however, nothing in these procedures prohibits giving a trespass warning or ban and bar notice to a current University student or employee when necessary and appropriate. If a notice is issued to a current student or employee, the student affairs office and/or employing unit administrator must be notified.
3. The ban and bar notice form must be completed in full.
4. The person who is given the ban and bar notice is to be informed of the specific reason(s) he or she is being directed off University property and the consequences if he or she returns.
5. When possible, issuing officers at UNK, UNL, and UNO shall limit the scope of a ban and bar notice to only University property reasonably necessary to protect the University community.

Issuing officers at UNMC may issue a campus-wide ban and bar notice considering the unique characteristics of the compact UNMC campus.

6. Any person(s) suspected of committing the following offenses on University property or toward any University student or employee may be issued a campus-wide ban and bar notice:
  - a. A felony;

- b. A crime against the person involving bodily injury or threats of bodily injury;
- c. Any sexual or domestic assault; or violation of the University of Nebraska Sexual Misconduct policy, R.P. 2.1.8;
- d. Stalking;
- e. Protection order violation against a University student, staff, or faculty member;
- f. Intentional property damage with loss in excess of \$500.

7. A properly issued ban and bar notice shall expire four years after the date of issuance unless: (i) the notice was issued for one or more of the reasons listed in paragraph 6 (a)–(f); (ii) otherwise specified in the notice; or (iii) the notice is modified on appeal. One year after the issuance of a ban and bar notice, the recipient of the notice may ask that the ban be lifted. Whether the ban will be lifted after one year is subject to the discretion of the administrator in charge of the campus police or security office or his or her designee.

8. Persons issued a ban and bar notice shall be informed that if they are found on restricted University property, without the prior permission of the campus police or security office, they may be cited or arrested for criminal trespass (Neb. Rev. Stat. § 28-521) and any other violations that may occur. At UNO and UNMC, Omaha Police Department (OPD) officers must work with campus security when issuing a ban and bar notice and filling out an issuance report. UNO and UNMC campus police or security shall maintain copies of all ban and bar notice forms and provide them to an OPD officer to show proof of the trespasser's notice should the trespasser return to restricted University property. An OPD officer must be present to effectuate the arrest, citation, or issuance of an arrest warrant for a repeat trespasser.

9. A written report must be completed on all incidents where trespass warnings or ban and bar notices have been issued. The report must include the specific reasons why a trespass warning or ban and bar notice has been issued, all, if any, alternative measures that were taken to seek compliance before the trespass warning or ban and bar notice was issued, the details of the incident, and any specific instructions or conditions given to the person being issued the trespass warning or ban and bar notice.

10. Officers should attempt to take a photograph of the person(s) issued the ban and bar notice.

11. The issuing officer must inform the person(s) receiving the ban and bar notice of his/her right to appeal by giving the recipient a copy of the ban and bar notice.

12. A copy of the ban and bar notice, the report, and a photograph, if taken, is to be filed with the campus police or security office.

## Appeals

13. A person who is issued a ban and bar notice may appeal to the administrator in charge of the campus police or security office, or his or her designee, unless the issuance or existence of the ban and bar is a matter being disputed in court or the equivalent legal process. Appeal forms shall be available from the campus police or security office. Once an appeal is received, if the person appealing is a current student or employee, the student affairs office and/or employing unit administrator should be notified of the appeal.

In addition to presenting written information, persons appealing a ban and bar have an opportunity for a hearing of the appeal. Persons filing an appeal should state whether they wish to have a hearing of the appeal. The campus police or security office will determine the method of participation (e.g. in person or remotely by telephone or videoconference) based on safety and availability. At the hearing, the person will be given the opportunity to present or dispute relevant information.

14. Factors impacting an appeal decision will be: safety, orderly operation of institutional programs, and the welfare of the University community. The person hearing the appeal will decide whether the ban and bar was justified, but the burden is on the issuing officer, who may be required to appear on appeal, to justify the issuance of the ban and bar notice.

15. The reply to the appeal shall be sent by certified mail to the person appealing their ban and bar. The reply to the appeal may be sent by e-mail to the person appealing the ban and bar if the person consents in writing to electronic delivery of the reply.

16. If the appeal results in a reversal of the ban and bar, it shall be deemed lifted and the person issued the ban and bar notice may return to any previously restricted University property. If the appeal results in only a modification of trespass restrictions, the recipient will be permitted in specified areas only. If an appeal is denied or upholds the issuance of the ban and bar notice, trespass restrictions shall remain in place and any violations may lead to a citation or arrest for criminal trespass.

17. One year after the issuance of a ban and bar notice, if the recipient of the notice requests that the ban be lifted, the request will be considered even if the appeal was denied or if the person did not appeal the ban and bar.

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## Definitions

*Trespass warning* is initial contact between campus police or security and a person where he or she is provided with a copy of University trespass policies and verbally warned about future transgressions.

*Ban and bar* occurs when campus police or security provide a person with written notice of exclusion from all or part of campus and the right to appeal prior to the person being escorted off University property.

*University property* means property that is owned or controlled by the University, or property where an owner or occupier other than the University has authorized the University to act on behalf of the owner or occupier of the property.

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#### Additional Contacts

<b>Subject</b>	<b>Contact</b>	<b>Phone</b>	<b>Email</b>
Police Department	Jim Davis	865-8911	<a href="mailto:davisjf@unk.edu">davisjf@unk.edu</a>
Police Department	Dawn Adams	865-8911	<a href="mailto:adamsg@unk.edu">adamsg@unk.edu</a>
Business & Finance	Jon Watts	865-8205	<a href="mailto:wattsjc@unk.edu">wattsjc@unk.edu</a>

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#### Forms

### TRESPASS WARNING BAN AND BAR NOTICE

TO: \_\_\_\_\_ Case # \_\_\_\_\_  
(Print name of person given notice)

Month/Day/Year and Time Notice Served: \_\_\_\_/\_\_\_\_/20\_\_\_\_ : \_\_\_\_AM/PM\_\_\_\_

**You have been Banned and Barred from [specify whether it is all or a particular part of] University of Nebraska Kearney (UNK) property for a duration of four years. You are not to return to restricted UNK property except for scheduled appointments. If you have a scheduled appointment that you believe would require you to enter restricted property, contact UNK Police at (308) 865-8911 prior to your appointment. If you are seen or found on restricted UNK property without a legitimate reason, you may be arrested or cited for trespassing.**

If you wish to appeal this notice, you may complete an appeal form and submit the appeal within five business days after your receipt of this notice. If your appeal is not delivered or postmarked within five business days from the date the ban and bar notice was issued, you waive your opportunity to appeal. If you did not receive or misplaced your appeal form, you may obtain a copy of the form at <http://www.unk.edu/offices/police/or> call UNK Police and a form will be mailed to you.

One year after the issuance of this ban and bar notice, you may request that the ban be lifted. Your request to lift the ban will be considered even if the appeal was denied or if you did not initially appeal the ban and bar.

Ban and Bar Letter Served by:

\_\_\_\_\_  
(UNK Officer)

I AM IN RECEIPT OF THE ABOVE NOTICE AND UNDERSTAND THAT IF I AM FOUND ON UN\_ PROPERTY WITHOUT A VALID REASON I WILL BE ARRESTED OR CITED FOR TRESPASSING.

\_\_\_\_\_  
(Signature of Individual Receiving Ban and Bar Notice)

Full Name of Individual:

\_\_\_\_\_

Address:

\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address:

\_\_\_\_\_

The above individual (\_\_\_\_) signed (\_\_\_\_) refused to sign the Ban and Bar Notice.

Original Copy to Recipient of Ban and Bar Notice

Copy to UNK Police

### **Ban and Bar Notice Appeal**

If you wish to appeal, please complete the following form and submit it to the UNK Police Department, which is responsible for the University property where the ban and bar notice was issued.

Full Name: \_\_\_\_\_  
First Middle Last

Home  
Address: \_\_\_\_\_  
Street Address City State Zip Code

Phone Number: \_\_\_\_\_ E-mail address:

\_\_\_\_\_

I, \_\_\_\_\_, was issued a ban and bar notice on \_\_\_\_\_, 20\_\_ forbidding me from entering the University of Nebraska Kearney. I understand that if my appeal is not delivered or postmarked within five business days from the date the ban and bar notice was issued that I waive my opportunity to appeal. I also understand that the ban and bar is in effect while my appeal is being considered.

I am appealing the issuance of the ban and bar notice for the following reasons (please be specific).

The written information you provide will be reviewed and you will receive a written response.

☐ Please check this box if you wish to have a hearing of your appeal.

☐ Please check this box if you consent to have the reply to your appeal delivered to you electronically, otherwise, the reply will be mailed to you.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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## History

Replaces University Trespassing Policy Page #249