

2.435 TRESPASSING

2.435.02 Trespassing on Posted Property

In order to enforce provisions of CR 6-402, officers must show that individuals entered or trespassed on property that is posted conspicuously against trespass by signs placed where they reasonably may be seen.

2.435.04 Trespassing at a Public Agency

A. In order to enforce provisions of CR 6-409(a) and issue Advisements of Trespass for trespassing at a public agency after hours, officers must:

1. Show the acts took place during hours when the public building or grounds were closed to the public and violators had no lawful business to conduct; and
2. Ensure violators are given reasonable and prudent notice to leave the public building or grounds, or specified portion thereof, prior to enforcement actions being taken.

B. Officers will not issue Advisements of Trespass to those persons who provide evidence of qualification to conduct their activities or are otherwise engaging in lawful, constitutionally protected activities.

C. In order to enforce provisions of CR 6-409(b) and issue Advisements of Trespass for trespassing at a public agency during regular business hours, officers must:

1. Show the acts took place during regular business hours, that violators had no lawful business to conduct, or the acts were disruptive or disturbing the conduct of normal business; and
2. Ensure violators are given reasonable and prudent notice to cease specified activities or to leave the public building or grounds or specific portion thereof prior to enforcement actions being taken.

D. Advisements of Trespass can be issued to any person who violates provisions of this statute, regardless of university affiliation.

2.435.06 Disturbing School Activities / Molesting, Threatening Students, etc.

In order to enforce the provisions of ED 26-101 and arrest individuals for disturbing school activities / Molesting, Threatening Students, etc., officers must show that individuals:

- A. Willfully disturbed or otherwise willfully prevented the orderly conduct of the university's activities, administration, or classes;
- B. Molested or threatened with bodily harm any student, employee, administrator, agent, or any other individual who was lawfully:
 1. On, or in the immediate vicinity of, the university's grounds;
 2. On a university vehicle; or
 3. At an activity sponsored by the university that is held off university property; or
- C. Threatened with bodily harm any university employee at home by any means, including in person, by telephone, or by electronic mail. This prohibition applies only to threats arising out of the scope of the employee's employment.

2.435.08 Trespassing on School Grounds

(Revised: 12/08/14)

A. Officers may issue Denials of Access consistent with **ED § 26-102**. Violators may be charged with "School: Trespass on Ground."

1. Officers may issue Denials of Access to any person who:
 - a. **IS NOT** a *bona fide*, currently registered student, or staff or faculty member, at the university and has no lawful business to pursue;
 - b. **IS** a *bona fide*, currently registered student at the university who has been suspended or expelled from the university, for the duration of the suspension or expulsion; or
 - c. Disrupts or disturbs the normal educational functions of the institution.
2. OFFICERS MUST OBTAIN APPROVAL FROM A COMMANDER TO ISSUE DENIALS OF ACCESS TO UNIVERSITY STAFF OR FACULTY MEMBERS.

3. THE OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS HAS THE PRIMARY AUTHORITY TO ISSUE DENIALS OF ACCESS TO STUDENTS. OFFICERS MAY ISSUE PARTIAL DENIALS OF ACCESS TO STUDENTS ONLY WITH THE PERMISSION OF A COMMANDER.
 4. Officers will not issue Denials of Access to those persons who provide evidence of qualification to conduct their activities or are otherwise engaging in lawful, constitutionally protected activities.
 5. Denials of Access bar persons from returning to university property in violation of the scope of their Denials.
- B. Complete Denials of Access forbid persons from entering onto all USM property regularly patrolled by University Police Officers employed by Towson University in order to protect and safeguard the entire university community.
1. Complete Denials of Access may be issued to persons who are not bona fide currently registered students, staff or faculty members when it is prudent and necessary to preclude their return to university property for violating provisions of **ED § 26-102**.
 2. Complete Denials of Access may be issued to persons who are bona fide currently registered students, staff or faculty members only in the context of suspensions, expulsions, or as terms or conditions of disciplinary sanctions.
- C. Partial Denials of Access forbid persons from entering onto specified USM property, and/or under specified conditions, regularly patrolled by University Police Officers employed by Towson University.
1. Partial Denials of Access may be issued to any person, regardless of university affiliation, when it is prudent and necessary to restrict the activities of advisees without totally prohibiting their presence on university property for violating provisions of **ED §26-102**.
 2. Partial Denials of Access must be location and/or activity specific to safeguard certain university activities from disruption and/or the use of specified facilities for their intended purposes.
- D. Denials of Access must be in writing and personally delivered or sent by certified mail, return receipt requested.
1. Denials of Access take effect immediately.
 2. The direct service of Denials of Access is the preferred method of service.
 3. Situations that may necessitate mailing Denials of Access include, but are not limited to:
 - a. Report reviews or follow-up investigations determine Denials should have been issued;
 - b. Personal identification information on Denials as initially served was inaccurate; or
 - c. Terms or conditions of Denials are modified at the direction of commanders or the Chief.
- E. Officers may order persons to leave institutional grounds consistent with **ED § 26-102**. Violators may be charged with "School Trespass/Refuse to Leave Building."
1. Officers may issue orders to leave to any person who:
 - a. Has no lawful business to pursue;
 - b. Is a suspended or expelled student;
 - c. Disrupts or disturbs the normal educational functions of the institution.
 2. Subjects must be given reasonable and prudent notice to leave prior to actions being taken.
 3. Orders to leave can be issued to any person who violates provisions of this policy, regardless of university affiliation.
 4. Officers will not issue orders to leave to those persons who provide evidence of qualification to conduct their activities or are otherwise engaging in lawful, constitutionally protected activities.
- F. Officers may charge persons who willfully damage or deface institutional buildings, grounds, etc. with "School: Trespass/Damage Property" under **ED § 26-102** in addition to Malicious Destruction of Property under **CR § 6-301**.

G. In order to enforce the provisions of **ED § 26-102** and arrest individuals for violating Denials of Access, officers must:

1. Observe suspects on university property OR DEVELOP WITNESS INFORMATION THAT SUSPECTS WERE ON UNIVERSITY PROPERTY; and
2. Confirm the existence and any conditions of current Denials of Access through Communications and the Records Management System (RMS).

H. PCOS WILL CHECK FOR TRESPASSING AND DENIAL OF ACCESS INFORMATION IN THE CAD/RMS AND THE SHARED "TRESPASSING" DRIVE.

2.435.10 Photographing Advisees

- A. Officers should take a photograph of each person who is not able to positively identify themselves and is advised of trespass or denied access.
- B. Officers may take a photograph of each person who is able to positively identify themselves and is advised of trespass or denied access.
- C. Officers will obtain non-arrest trespass/denial related photographs only with the consent of advisees.
- D. Photos will be submitted consistent with **2.510.06 Still & Video Photography.**

2.435.12 Reporting Requirements

- A. Officers are responsible for ensuring CCNs are initiated for all incidents in which Advisements of Trespass / Denials of Access are issued.
- B. Central Records personnel are responsible for ensuring:
 1. That initial Trespass/Denial information has been accurately entered into the RMS; and
 2. Updated Trespass/Denial information is accurately entered into the RMS on a timely basis.
- C. Duties and responsibilities of officers include, but are not limited to:
 1. Completing reports detailing the circumstances surrounding the issuance of all Advisements of Trespass/Denials of Access;
 2. Separating and distributing Trespass/Denial forms consistent with instructions on the forms; and
 3. Attending Denial of Access appeal proceedings as required.
- D. Denials of Access issued by other university officials and subsequently received by this agency will be submitted to Central Records for entry into the RMS.

2.435.16 Administrative Appeals

- A. Individuals may appeal Denials of Access by addressing written appeal requests consistent with instructions on Trespass/Denial forms.
- B. The CHIEF or designee will hear Denial of Access administrative appeals.

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