

SCHOOLCRAFT COLLEGE
18600 Haggerty Road, Livonia, Michigan 48152-2696

PROCEDURES AND REGULATIONS ON TRESPASSING

1. **PURPOSE:**

Schoolcraft College enacts this trespassing regulation:

- For the protection and safety of all persons on College property;
- For the care, preservation, and protection of the properties governed by the College;
- For the control of conduct of those on College properties in order to assure the successful operation of the College, the maintenance of good order, and to promote the objectives of the College; and
- To hinder unnecessary and improper interferences with College activities as well as the lawful activities of those coming upon land governed by the College.

Schoolcraft College (hereafter College), by and through its Board of Trustees, enacts the following regulation:

a. **ENFORCEMENT GUIDELINES:**

To establish warning and enforcement guidelines for the just application of this regulation since a violation of this regulation could be the basis of an arrest and criminal complaint.

b. **PROTECTION OF INDIVIDUALS:**

For the protection of the health, welfare, safety, and peaceful pursuit of legitimate activities of individuals lawfully present on College properties.

c. **PROTECTION OF PROPERTY:**

For the protection, care, and preservation of College properties, including, but not limited to, grounds, buildings and equipment.

This procedure is not intended to supplant federal or state statutes, or local ordinances relating to similar conduct.

2. DEFINITIONS:

TRESPASSING: As defined in Michigan Compiled Law §750.552,

(1) A person shall not do any of the following:

(a) Enter the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or the agent of the owner or occupant.

(b) Remain without lawful authority on the land or premises of another after being notified to depart by the owner or occupant or the agent of the owner or occupant.

(c) Enter or remain without lawful authority on fenced or posted farm property of another person without the consent of the owner or his or her lessee or agent. A request to leave the premises is not a necessary element for a violation of this subdivision. This subdivision does not apply to a person who is in the process of attempting, by the most direct route, to contact the owner or his or her lessee or agent to request consent.

(2) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine of not more than \$250.00, or both.

WILLFULLY REMAINING ON THE PREMISES OF COLLEGES AND UNIVERSITIES: As defined in Michigan Compiled Law §752.581,

Sec. 1. A person is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by incarceration in the county jail for not more than 30 days, or both:

(a) When the chief administrative officer of a publicly owned and operated institution of higher education, or his designee, notifies the person that he is such officer or designee and that the person is in violation of the properly promulgated rules of the institution; and

(b) When the person is in fact in violation of such rules; and

(c) When, thereafter, such officer or designee directs the person to vacate the premises, building or other structure of the institution; and

(d) When the person thereafter willfully remains in or on such premises, building or other structure; and

(e) When, in so remaining therein or thereon, the person constitutes (1) a clear and substantial risk of physical harm or injury to other persons or of damage to or destruction of the property of the institution, or (2) an unreasonable prevention or disruption of the customary and lawful functions of the institution, by occupying space necessary therefor or by use of force or by threat of force.

DAMAGING PROPERTY, DISRUPTING THE FUNCTION OF COLLEGES AND UNIVERSITIES: As defined in Michigan Compiled Law §752.582,

Sec. 2. A person is guilty of a misdemeanor, punishable by a fine of not less than \$200.00 and not more than \$1,000.00, or by incarceration in the county jail for not more than 90 days, or both, who enters on the premises, building or other structure of a publicly owned and operated institution of higher education, with the intention to, and therein or thereon does in fact, constitute (a) a clear and substantial risk of physical harm or injury to other persons or of damage to or destruction of the property of the institution, or (b) an unreasonable prevention or disruption of the customary and lawful function of the institution, by occupying space necessary therefor or by use of force or by threat of force.

3. JURISDICTION:

a. **GENERAL PUBLIC:**

This regulation applies to guests, visitors, and all other members of the general public.

b. **PERSONS OTHER THAN THE GENERAL PUBLIC:**

Students, faculty, staff, or contractors who have been accused of any of the acts stated and defined in Sections 1-9 may be disciplined in accordance with the following disciplinary procedures:

- 1) Students (Students Rights and Responsibilities)
- 2) Faculty and Staff (College Policies & Procedures and applicable labor agreements)

3) Contractors (through the Chief Operations Officer)

The aforementioned procedures do not preclude the possibility of arrest and filing of a criminal complaint against any person and do not exclude an individual from the force and effect of Section 5, infra (Emergency Removal from College Properties).

c. SCOPE OF APPLICATION AND DEFINITION OF PROPERTY:

The regulation shall apply to all College property including property that is leased, owned, or otherwise under the control of the College including off campus College sponsored events.

4. RESTRICTED AREAS

a. RESTRICTED AREAS - GENERAL PUBLIC:

Not all College properties are open to the general public. Restricted areas that are not open to the general public include, but are not limited to, the following:

- 1) All areas where it is posted that the general public is not authorized to enter (e.g. Staff Only or Restricted Access notices);
- 2) Classrooms, laboratories, conference facilities, and storage areas;
- 3) Locked College buildings and other facilities with posted "closed" hours;
- 4) Faculty, staff, and administrators' offices;
- 5) Undeveloped property; and
- 6) Research facilities, and staff and student work areas.

b. ACCESS:

Access to these areas must be by invitation or official authorization. Such invitation or authorization may be revoked at any time.

5. EMERGENCY REMOVAL FROM COLLEGE PROPERTIES

a. REMOVAL:

Any person, regardless of status or designation, may be removed from College properties if (1) he/she poses an immediate and substantial risk of physical harm or injury to either himself/herself, or to others, (2) engages in conduct that indicates the immediate intent to damage or destroy property of the College, and/or (3) unreasonably interferes or disrupts the customary and lawful activities and functions of the College.

REMOVAL PROCEDURES:

Removal may be ordered by the President of the College, or by anyone who has been designated by the President to have such authority. Those currently designated are the Chief Operations Officer and his/her designee(s), specifically, the Campus Police, as well as the Chief Student Services Officer and his/her designee(s).

If it is determined that an individual should be removed from College property, the individual authorized to order the removal, if not a member of the Campus Police, shall immediately notify the Campus Police to assist in the removal of the individual. The authorized individual shall identify himself/herself as a party that is able to make the demand for removal, and inform the party to be removed that their refusal to leave may result in their arrest. Voluntary compliance with this order shall be the goal, however, individuals that refuse to leave may be arrested by Campus Police or by local law enforcement for any number of local ordinances, or state or federal laws including, but not limited to, those offenses defined in Section 2.

b. **REMOVAL CONSEQUENCES:**

Once an individual is removed from College property, a No Trespass Order (Section 6) may be issued as set forth in this procedure. Each case involving removal of an individual shall be reviewed in accordance with this policy before a No Trespass Order is issued. Exceptions to this section can be made in documented exigent circumstances.

6. NO TRESPASS ORDER

a. **AUTHORITY TO ISSUE:**

- 1) The President (or his/her designee) shall issue and execute all No Trespass Orders involving faculty or staff of the College.
- 2) Additionally, the President shall designate the following persons with the authority to issue and execute No Trespass Orders:
 - a) The Chief Student Services Officer for all academic and non-academic student related No Trespass Orders.
 - b) The Chief Operations Officer for all non-student, guest, visitor, general public or contractor related No Trespass Orders.
- 3) The President may designate other administrative personnel the authority to issue and implement No Trespass Orders as needed. Nothing in this section shall preclude the President from exercising such authority.

b. COMPLAINT PROCEDURES:

1) Who may file:

- a) Any employee of the College or any student currently enrolled at the College may file a request for an issuance of a No Trespass or No Contact against an alleged violator with the Campus Police or online via the College's "SC Aware" website. Additionally, the Dean of Students or the Chief of Police may, as a result of an investigation, recommend to the appropriate authorized party listed in Section 6(a) that a No Trespass Order be issued.

2) Procedure:

- a) All employee or student complaints of Trespass will be investigated by the Campus Police. If warranted, a completed Incident Report supporting the No Trespass Order will be forwarded to the appropriate authorized party listed in Section 6(a).
- b) Once an Incident Report is filed with the appropriate authorized party listed in Section 6(a), he/she (or their designee) will (1) review the Report, (2) consider the credibility of the evidence, (3) make a determination as to whether the individual committed an act as stated and defined in Sections 1-9 of this Regulation, (4) determine the significance of the violation, and (5) assure compliance with this regulation.
- c) The appropriate authorized party listed in Section 6(a) shall exercise his/her discretion, and may issue a No Trespass Order, decline to issue the No Trespass Order, or take other appropriate action with the advice and consent of the President. This discretion should be exercised as soon as possible, but no later than five (5) business days after receiving of the Incident Report.
- d) The appropriate authorized party listed in Section 6(a) may issue a No Trespass Order for a period of not more than one (1) year unless special, documented circumstances warrant a longer period of time (e.g. seriousness of offense, violation of previous No Trespass Order, etc.).

3) Contents of No Trespass Order:

A No Trespass Order shall contain the following information:

- a) The name of the recipient of the No Trespass Order;
- b) The time period of the ban;
- c) The place or places that are off limits;
- d) The misconduct upon which the No Trespass Order is based;
- e) A copy of the Incident Report;
- f) The appeal process;
- g) Penalty for failure to abide by the Order;
- h) The signature of the individual issuing the Order;
- i) Where possible, the signature of the individual against whom the Order is issued or a return receipt of service;
- j) Where appropriate, additional information.

4) Service:

The No Trespass Order shall be served personally, by electronic delivery, or by certified mail. Electronic delivery of the order to official SC mail will constitute delivery. The Order will take effect on the date of personal service or evidence that it has been received.

A copy of all served No Trespass Orders will be provided to the Campus Police Department.

7. ACTS OF MISCONDUCT

The following acts of misconduct may trigger a No Trespass or No Contact Order if the misconduct is significant or is part of a continuing pattern. These acts are in addition to the limitations placed on individuals as stated and defined in Sections 1-9 of this Regulation.

- a. A violation of a local ordinance, or state or federal law that protects the health and safety of persons.
- b. Refusal or failure to comply with established College rules, regulations, and policies which protect the safety or security of another person, their property or the College's property.
- c. Gender based/sexual misconduct, stalking, bullying, harassment or discrimination.
- d. Interference with teaching or the learning process.

- e. Interference by force, threat, harassment, or duress with an individual's academic efforts, employment, or participation in College sponsored activities and/or creating a reasonable apprehension that such interference is about to occur.
- f. Disruption of College activities and College business, including, but not limited to, classes, events, and student services/activities.
- g. Dishonesty, including, but not limited to providing false information to the College, forgery, misuse, submission or alteration of any College document, or any record to the College, or misuse of the College computer system.
- h. While on College property or at a College sponsored function, possession of any weapons or look alike weapons, including but not limited to, firearms, explosives, dangerous chemicals, knives, brass knuckles, licensed weapons, objects or instruments possessed for use as a weapon or for direct or indirect delivery to another person for use as a weapon.
- i. Willful disobedience of College officials or authorized agents acting in the performance of their duties.
- j. Unauthorized possession, duplication, or use of keys to any College property, or unauthorized entry to or use of College property, or tampering with any door or door locking mechanism.
- k. Conduct which is indecent or obscene; which includes the use of electronic/digital recording and/or imaging devices used to take images and/or recordings of persons without their knowledge and/or consent.
- l. Continued occupation of College property after being requested to leave by any person acting as an authorized agent of the College.
- m. Entering or remaining in an area within College property where notice has been provided that access to the area is restricted.

8. APPEAL PROCESS

The party receiving a No Trespass Order, having been found in violation of any of the offenses listed in Sections 1-9 of this procedure, may appeal the No Trespass Order as follows:

- a. The appeal must be submitted in writing to the issuing authorized party within ten (10) days from the date that the receiving party is notified of the No Trespass Order.

The issuing authorized party shall consult with the President to review all pertinent data regarding the appeal. After consulting, the issuing authorized party shall confirm, modify or rescind the No Trespass Order within ten (10) calendar

days or as soon as practicable. This decision is final. The No Trespass Order shall remain in force and effect during the pendency of this appeal.

9. TRESPASSING ARRESTS

If there is any doubt regarding arrest at the time of any incident described in Sections 1-9, Campus Police should issue a warning and escort the person from College property. If a follow-up investigation reveals that the person was in violation of trespass or another offense at the time of the incident, a criminal complaint can be filed at a later time.

Campus Police may arrest for trespassing in any of the following situations:

- a. When a person has been warned to leave College property and refuses to do so.
- b. When a person is found in a posted, restricted or closed area of the College as defined in Section 4.
- c. When a person is found on College property in violation of a No Trespass Order.

10. SAFEGUARDS

a. CONSTITUTIONAL RIGHTS:

This policy is not intended to deny or limit the constitutional rights of students, staff, faculty, contractors, guests, visitors or other members of the general public that are accorded to them under the Michigan or United States Constitutions.

b. EXPRESSIVE ACTIVITY:

College property made available for expressive activity is classified as a designated public forum. Pursuant to the decisions of the United States Supreme Court, the College may adopt reasonable limitations on expressive activity. These are defined specifically in Policy 1062 and Procedure 1062.1.

Adopted—Cabinet
October 1, 2013
Reviewed—Cabinet
January 19, 2016
Revised—VP and CFO
August 1, 2019
Reviewed—HR & Risk Management
January 27, 2021