

Campus Administrative Policy

Policy Title: Exclusion of Persons from University Property

Policy Number: 3052 Functional Area: **General Administration**

Effective: February 1, 2015
Date Last Amended/Reviewed: February 1, 2015
Date Scheduled for Review: July 1, 2022
Supersedes: Exclusion of Persons from University Property, March 6, 2009

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Prepared by: Office of University Counsel
Reviewing Office: Provost and Executive Vice Chancellor for Academic and Student Affairs
Responsible Officer: Provost and Executive Vice Chancellor for Academic and Student Affairs

Applies to: University of Colorado Anschutz Medical Campus
University of Colorado Denver
University of Colorado South Denver Location

A. INTRODUCTION

The Chancellor has delegated to the Chief of Police and the University of Colorado Denver Police Officers the power to act as custodian of the property of the University for the purposes of enforcing the laws of the Regents and Municipal, State and Federal Laws. This power to act shall include, but not be limited to the following:

1. Arresting those persons who commit criminal acts on University owned or leased property in violation of University or Regents Laws, Policies, rules, regulations, Municipal Ordinances, or the Colorado Revised Statutes or Federal Laws;
2. Issuing warnings to those persons who are in violation of either University or

Regents rules and regulations; and

3. Excluding any person whose behavior is deemed to be detrimental to the well-being of the University or incompatible with the function of the University as an educational institution. Included are those who interfere with staff, students, or faculty of the University of Colorado Denver and Anschutz Medical Campus in the performance of their job duties, educational pursuits, or who interfere with visitors to the University who are on official business.

B. POLICY STATEMENT

To provide reasonable protection to the University community as well as provide notice to those individuals accused of violating the Laws and Policies of the Regents, University rules, regulations, and policies, or local, state, and federal laws, the University of Colorado Denver Police Department will employ a system of warnings and exclusions.

C. STUDENT CONDUCT PROCEDURES

The Chancellor has further delegated to the Director of Student Conduct and Community Standards and his/her Conduct Officers the authority to issue an exclusion order to any student whose behavior is deemed to be detrimental to the well-being of the University or incompatible with the function of the University as an educational institution. A temporary/limited exclusion order will be issued and a meeting will be held in accord with the appropriate provisions of the CU Denver Student Conduct Code and process to determine whether a permanent exclusion should be imposed.

Exclusions may be issued to those students who interfere with staff, students, or faculty of the University in the performance of their job duties, educational pursuits, or who interfere with visitors to the University. Any exclusion order issued by the Director of Student Conduct and Community Standards or his/her Conduct Officers will be provided the Chief of Police for review. The processes used by the Office of Student Conduct and Community Standards are available here:

<http://www.ucdenver.edu/life/services/standards/Documents/CUDenver-CodeofConduct.pdf>.

D. TYPE OF WARNING/EXCLUSIONS

1. Warning: A written warning may be used to inform individuals of the University's laws, policies, and procedures, and consequences for violations. A written warning may be issued when a minor criminal violation or a violation of University law or policy has occurred on the campus or negatively affects its operations. Usually, when a warning is issued, the police will provide the individual a copy of campus rules and regulations related to the violation. In addition, the officer will file a field interview card with the police department. A warning may be issued by any commissioned officer pursuant to the serving of a summons and complaint or may

be issued without a summons.

2. Temporary/Limited Exclusion: A temporary/limited exclusion may be issued when a minor criminal violation or a violation of University law, rule, regulation, or policy has occurred on campus. The usual consequence of a temporary/limited exclusion is an exclusion (ban) of the individual from University property for a finite period of time. A temporary/limited exclusion may or may not be issued pursuant to the serving of a summons and complaint.
3. Permanent Exclusion: A permanent exclusion may be used when:
 - a. A person has committed a serious violation of the law, has repeatedly violated University laws, rules, regulations or policies affecting or on the campus and/or
 - b. The continued presence of the individual is deemed to be detrimental to the well-being of the University and/or its students, staff, patients, and visitors, including but not limited to:
 - (i) Interfering with office operations;
 - (ii) Unauthorized presence in a controlled area;
 - (iii) Disturbing others; or
 - (iv) Unauthorized activity.

When issuing either a temporary/limited or permanent exclusion the University of Colorado Denver police officer must determine that an individual's actions, conduct, or presence is detrimental to the well-being of the university or incompatible with the function of the university as an educational institution. Permanent exclusions will result in the exclusion of an individual from a specific area of the campus or the entire campus for an indefinite period of time.

E. UNIVERSITY OF COLORADO DENVER POLICE DEPARTMENT HEARING PROCESS

1. Individuals have the right to a hearing regarding receipt of a temporary/limited or permanent exclusion issued by the University of Colorado Denver Police Department, but not for warnings, based on the process outlined below:
 - a. The CU Denver Police Chief or his/her designee shall schedule a time for the hearing to take place within a reasonable period of time after receiving a request from the excluded individual. If an excluded individual does not request a hearing within five (5) days of receiving notice of the order, he/she waives all right to challenge or appeal the exclusion. If no hearing is requested, the CU Denver Police Chief or his/her designee will make a decision based on the available information. All hearings shall take place either at the CU Denver Police Station or via telephone.

- b. The excluded individual may bring (or have present on any phone conversation) any representative of his/her choice to the hearing, which may or may not be an attorney. This representative is not allowed to speak on behalf or advocate for the excluded individual. The hearing will take place in an informal manner, without formal rules of evidence or procedure.
- c. During the hearing, the Chief or his/her designee will present information to the excluded individual about why he/she has been excluded from campus, including any specific allegations against the individual surrounding the exclusion order.
- d. The excluded individual will have the opportunity to provide testimony and information explaining why he/she believes he/she should not be excluded from University property. This may include written statements, as well as a list of any witnesses that the excluded individual would like the Chief or his/her designee to contact regarding the circumstances pertaining to the warning/exclusion order.
- e. The Chief or his/her designee will consider the evidence brought forth in the hearing, and make a final determination by a preponderance of the evidence whether a person's actions, conduct or presence is detrimental to the well-being of the university or incompatible with the function of the university as an educational institution. This determination will be made within a timely fashion and communicated to the excluded individual
- f. The length and terms of the exclusion shall be within the discretion of the Chief or his/her designee.

F. APPEAL PROCESS

- 1. All individuals may appeal their exclusion from campus by following the procedure as outlined below:
 - a. Appeals to issued exclusions must be made by the excluded individual to the University of Colorado Denver Associate Vice Chancellor of Budget and Finance or his/her designee in writing which may be accompanied by additional written material within thirty (30) calendar days of receipt of an exclusion order. Failure to request a review within the designated period constitutes a waiver of any review.
 - b. Throughout the duration of the appeal process, the excluded individual will continue to be excluded from campus. Upon receipt of the request for review, the Associate Vice Chancellor of Budget and Finance or his/her designee will review any material provided by the excluded individual during the hearing and any additional material provided by the excluded individual and make a determination of whether the exclusion order should

be upheld. The Associate Vice Chancellor of Budget and Finance or his/her designee will not conduct a subsequent hearing or conduct interviews.

- c. The excluded individual will be notified via e-mail and U.S. mail of the final outcome of the appeal. The determination of the Associate Vice Chancellor of Budget and Finance or his/her designee is final.

Notes

1. Dates of official enactment and amendments:

March 6, 2009: Adopted
February 1, 2105: Revised

2. History:

February 14, 2019: Modified to reflect a Campus-wide effort to recast and revitalize various Campus policy sites into a standardized and more coherent set of chaptered policy statements organized around the several operational divisions of the university.

3. Initial Policy Effective Date: March 6, 2019

4. Cross References/Appendix:

- [University of Colorado Denver Student Code of Conduct](#)