



Southwestern Michigan College Trespass Policy

Policy Statement

Southwestern Michigan College (SMC) enacts the following regulations for the care, preservation, and protection of the properties governed by the College and for the control of the conduct of those on SMC properties in order to assure the successful operation of the College, maintain good order, promote the objectives of the College, and to hinder unnecessary and improper interferences with College activities and with the lawful activities of those coming upon land governed by the College.

Policy

1. Purpose

Southwestern Michigan College (hereafter SMC or College) by and through its President enacts the following regulation:

- a. To establish warning and enforcement guidelines for the just application of this regulation since a violation of this regulation could be the basis of a criminal complaint.
- b. For the protection of the health, welfare, safety, and peaceful pursuit of legitimate activities of individuals lawfully present on College properties.
- c. For the protection, care, and preservation of College properties, including, but not limited to, grounds, buildings and equipment.

*This regulation is not intended to supplant federal or state statutes, or local ordinances relating to similar conduct governed by this regulation.

2. Regulation

As a tax supported institution, certain college properties may be visited by the general public so long as their presence does not interfere with the operations of the college, the maintenance of good order or interfere with college sanctioned activities. If such interference should occur, it may be necessary to prohibit individuals from entering or remaining on college property.

3. Scope and Definition

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

4. Jurisdiction

a. General Public

This regulation applies to guests, visitors, non-academic students, contractors and all other members of the general public.

b. Members of the Southwestern Michigan College Community

Except in emergency circumstances, this regulation shall not apply to members of the college community (SMC students, faculty, staff, administrators, agents). College community members who have been accused of trespass shall be disciplined, if at all, in accordance with Board policy and or the SMC employee and or student handbook disciplinary procedures.

- i. The aforementioned procedures do not preclude the filing of a criminal complaint against any person and do not exclude an individual from the force and effect of Section 6, Emergency Removal.

5. 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:

- i. All areas where it is posted that the general public is not authorized to enter. (For example, Staff Only or Restricted Access notices)
- ii. Classrooms, laboratories, conference facilities, and storage areas
- iii. Locked college buildings and other facilities with posted "closed" hours
- iv. Faculty, staff, and administrators' offices

- v. Student residence buildings.
 - vi. Undeveloped property
 - vii. Student Activity Center
 - viii. All areas where construction, demolition, or renovation are underway.
 - ix. College hiking trails.
- b. Access
Access to these areas must be by lawful invitation or official authorization. Such invitation or authorization may be revoked at any time by the person or persons in lawful control of the area.
6. Emergency Removal From College Properties
- a. Removal
Any person, regardless of status or designation, may be removed from College properties immediately if:
- (1) he/she appears to pose an immediate and substantial risk of physical harm or injury to self or others,
 - (2) engage in conduct that may indicate the immediate intent to damage or destroy property of the College, and/or
 - (3) unreasonably interferes with the customary and lawful activities and functions of the College.
- b. Removal Procedures
Removal may be ordered by the President, or anyone who has been designated by the President of the college to have such authority. If it is determined that an individual should be removed from College property, the individual authorized to order the removal shall immediately notify Campus Security or local law enforcement if Security is not available. The individual shall identify himself/herself as an authorized party to make the demand for removal, and request that Campus Security oversee the removal of the individual in cooperation with local law enforcement agencies.
- c. Removal Consequences
Removal may result in the issuance of a No Trespass Order as set forth in this regulation. Each case involving removal of an individual shall be reviewed in accordance with this regulation before a No Trespass Order is issued. Exceptions to this Section 6. c. can be made in documented exigent circumstances.
7. No Trespass Order
- a. Authority to Issue
- i. The President of the college shall grant a Vice President the authority to issue and execute No Trespass Orders. The Vice President may designate other individuals to act on his/her behalf in this capacity.
 - ii. The President may grant other administrative personnel the authority to issue and implement No Trespass Orders. However, the authority of these persons may be exercised only when the Vice President or designee is absent or fails to exercise his/her authority.
 - iii. Nothing in this section shall preclude the President from exercising such authority.
- b. Complaint Procedures
- i. Who may file.
Any employee or student currently enrolled for an academic credit course may file a written Trespass Complaint against an alleged violator via the SMC College Concerns reporting system or in person to Student Conduct or the Security Coordinator. Additionally, security officers may initiate a written Incident Report in which they recommend that a No Trespass Order be issued.
 - ii. Procedure
 1. After a Trespass Complaint has been filed, the Vice President (or designee) will
 - i. review the Report
 - ii. consider the credibility of the evidence
 - iii. make a determination as to whether the individual committed an act as defined in Section 8. (Triggering Behaviors), or elsewhere in this Regulation
 - iv. determine the significance of the violation
 - v. assure compliance with this regulation.
 2. The Vice President/designee, shall exercise his/her discretion, and may issue a No Trespass Order, decline to issue the No Trespass Order, or take other appropriate action.
 - iii. Contents of No Trespass Order
A No Trespass Order shall contain all identifying information including person to be trespassed, location trespassed from, time period of ban, penalty for failure to abide by the order and any appeal process available.

iv. Service

The No Trespass Order shall be served verbally, personally or by certified mail. The Order will take effect on the date of personal service or evidence that it has been received. Once served the date of notice along with how/who provided service will be logged into the campus security database.

v. Notification

1. Local law enforcement will be notified of the No Trespass Order after it has been served.
2. The person's name, description and, if possible, picture may be uploaded into an electronic file which shall be available to other college officials, and may be disseminated by any other means.

8. Triggering Behaviors

The following behaviors also may trigger a No Trespass 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 discussed in Sections 2 through 6.

- a. A violation of a local, or state or federal law.
- b. Non-compliance with established college rules, regulations, or policies.
- c. Interference with teaching and the learning process
- d. 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
- e. Disruption of College activities and College business, including, but not limited to, classes, convocations, and student services
- f. Off campus incidents that, due to the nature of the alleged behavior, cause a potential for the disruption of college activities or the possibility of risk to the safety and/or welfare of specific individuals, the property owned by SMC or to the general college community.
- g. Continued occupation of College property after being requested to leave by any person acting as an authorized agent of the College
- h. Dishonesty, including, but not limited to providing false information to the college, forgery, misuse or alteration of any college document, or misuse of the College computer system
- i. Unless permitted by law, 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, objects or instruments possessed for use as a weapon or for direct or indirect delivery to another person for use as a weapon.
- j. Willful disobedience of College officials or authorized agents acting in the performance of their duties. This includes refusal to present identification when requested
- k. 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
- l. Behavior which is disorderly, lewd, or indecent. This includes verbal or physical conduct that is severe, pervasive and objectionably offensive that it unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from college activities.
- m. Entering or remaining in an area within College property where notice has been provided that access to the area is restricted

9. Appeal Process

a. General Public

When a No Trespass Order is issued, the recipient of the Order may request, in writing, that the Order be reviewed by the Vice President or his/her designee. The request must be received in the office of the Vice President within ten (10) business days after the Order is served on the recipient. After receipt of a request for review, the Vice President shall confirm, modify or rescind the Order within ten (10) business days. The No Trespass Order shall remain in force and effect during the pendency of this appeal. The decision of the Vice President will be final.

b. Members of the Southwestern Michigan College Community

Employees or students shall have the right to appeal as outlined by respective college policies.

10. Constitutional Rights

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

a. 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. Please see College's [Freedom Of Expression Policy](#) for further clarification.