**R813. Higher Education (Utah Board of), Utah State University.**

**R813-3. Trespass.**

**R813-3-1. Purpose.**

(1) This rule implements Section 76-8-703.

(2) This rule governs the physical exclusion of individuals from Utah State University campuses, property, buildings, events, and activities.

**R813-3-2. Authority.**

This rule is authorized by Sections 53B-20-107, 63G-3-201, and 76-8-703.

**R813-3-3. Scope.**

This rule applies to all individuals present on University Property, including employees, students, and any visitors.

**R813-3-4. Definitions.**

(1) "Chief" means the University Chief of Police.

(2) "Designee" means the individual who the Chief designates authority and responsibilities, which can be revoked at any time by the Chief.

(3) "Trespass Order" means an official directive, verbally or in written form, from the Chief or a Designee to an offending individual to leave and remain off University Property.

(4) "University" or "USU" means Utah State University.

(5) "USU PD" means the University Police Department.

(5) "University Property" means any University facility or property, physical or virtual, owned, operated, or controlled by the University, including without limitation University learning management systems, residential campuses, regional campuses, University centers, and farms.

(6) "Verbal Trespass Order" a Trespass Order that is issued verbally, and followed up with a Written Trespass Order, pursuant to Section R813-3-5.

(7) "Written Trespass Order" a Trespass Order that is written and issued pursuant to Section R813-3-5.

(8) "University Property" refers to any University facility or property, physical or virtual, owned, operated, or controlled by the University, including without limitation University learning management systems, residential campuses, regional campuses, University centers, and farms.

**R813-3-5. Exclusion from University Property.**

The University may exclude individuals from University Property by:

(1) issuing a Trespass Order, as set forth in Section R813-3-5;

(2) posting signs reasonably likely to come to the attention of a trespasser;

(3) fencing or otherwise enclosing University Property in a manner that is obviously designed to exclude a trespasser; or

(4) notifying an individual that they cannot come onto University Property via notice of a temporary or final suspension or expulsion.

**R813-3-6. Trespass Orders.**

(1) Pursuant to Utah law, the University President, as the chief administrative officer, may order individuals to leave University Property.

(a) To ensure the safety and security of the campus, the President delegates authority to the Chief of Police to issue and carry out Trespass Orders.

(b) Further, the President delegates the Chief of Police with authority to designate members of the Utah State University Police Department with authority to act for the Chief of Police and order individuals to leave University Property and to otherwise support the Chief of Police in enforcing this rule.

(c) This designation and authority will remain in effect until such authority is rescinded by the University President.

(2) The President and the Chief of Police or their Designee or Designees may verbally order an individual to leave the University Property if there is reasonable cause to believe an individual:

(a) intends to act to:

(i) cause injury to a person;

(ii) cause damage to property;

(iii) commit a crime;

(iv) interfere with the peaceful conduct of the activities of the University;

(v) violate any lawful university rule, policy, or regulation;

(vi) disrupt the University, its pupils, or the University's activities; or

(b) is reckless as to whether the person's actions will cause fear for the safety of another.

(3) When ordering an individual to leave University Property, the Chief of Police or the Chief's Designee or Designees will:

(a) identify themselves to the offending individual;

(b) request that the offending individual identify themselves;

(c) ascertain whether the offending individual is a member of the University community or the public;

(d) explain that the individual is being trespassed from University Property, meaning that the individual may not return until the date stated on the forthcoming Written Trespass Order; and

(e) explain the consequences for failing to adhere to the Trespass Order, including that the individual will be in violation of Utah law and may be charged with a Class B misdemeanor for the first offense and a Class A misdemeanor for a second offense.

(4) After issuing the Verbal Trespass Order, the Chief of Police or Designee or Designees will draft a Written Trespass Order. USU PD will serve the Written Trespass Order to the offending individual within two business days of the Verbal Trespass Order.

(5) Regardless of whether a Verbal Trespass Order has been issued to an offending individual, the Chief of Police or Designee or Designees will issue a Written Trespass Order. At minimum, the Written Trespass Order will include:

(a) the date on which the Verbal Trespass Order, if applicable, was issued;

(b) the date on which the Written Trespass Order is effective;

(c) the areas from which the individual is trespassed;

(d) the actions committed by the individual that are the basis for the Trespass Order;

(e) the date on which the Trespass Order will expire; and

(f) an explanation of the individual's right of appeal and the process for doing so.

(6) All Written Trespass Orders delivered by USU PD will be recorded through the USU PD reporting systems and will be copied to the Vice President for Student Affairs if the offending individual is a student, the University Provost, and the responsible Dean if the offending individual is faculty, and the responsible Vice President or Dean if the offending individual is an employee.

**R813-3-7. Right to Challenge.**

(1) Any individual who is the subject of a Trespass Order may petition the University to lift the Trespass Order by demonstrating:

(a) the Trespass Order was issued in conflict with university policy; or

(b) the offending conduct giving rise to the Trespass Order is not likely to be repeated or does not otherwise present a disruption of safety concern to the University.

(2) A written petition challenging a Trespass Order must be made in accordance with University Procedures and submitted to USU's Executive Director of Public Safety.

**R813-3-8. Criminal Prosecution.**

Individuals in violation of a Trespass Order under this rule may be subject to criminal prosecution in accordance with Section 76-8-703. Nothing in this rule limits the ability of the University to participate in the criminal prosecution of any individual in violation of applicable trespass laws.

**KEY: higher education, trespass**

**Date of Last Change: October 22, 2024**

**Authorizing, and Implemented or Interpreted Law: 76-8-703; 53B-20-107**