



**Policy Number 7.2.3**

**Chapter: Police & Safety**

**Title: Trespassing and Exclusion from Campus**

**Division/Department: Police & Campus  
Safety/Auraria Campus Police Department**

**Policy Administrator: Chief of Police**

**Adoption Date: 1/24/2018**

**Revision Dates:**

## **1. PURPOSE**

The purpose of this policy is to provide a procedure for excluding persons from the Auraria Campus who Trespass or present a danger to the campus community, disrupt the orderly functioning of the campus, or whose presence is otherwise deemed detrimental to the campus community or incompatible with the function of the campus.

## **2. DEFINITIONS**

2.1. Applicable Laws: The statutes and ordinances pertaining to this policy, including:

2.1.1. Colorado Revised Statutes (C.R.S.) § 18-9-109, which provides that it is unlawful for any person to “willfully refuse or fail to leave the property of or any building or other facility used by any educational institution upon being requested to do so by the chief administrative officer, or his or her designee charged with maintaining order on the school premises and in its facilities ... if such person is committing, threatens to commit, or incites others to commit any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.” AHEC is an educational institution within the meaning of this statute, and the officers of the Auraria Campus Police Department (ACPD) are the designees of the AHEC chief administrative officer charged with maintaining order on the Auraria Campus.

2.1.2. C.R.S. § 18-9-110, which provides that it is unlawful for any person to “willfully refuse or fail to leave” a public building owned, operated, or controlled by the state when “requested to do so by the chief administrative officer or his designee charged with maintaining order in such public building, if the person has committed, is committing, threatens to commit, or incites others to commit any action which did, or would if

completed, disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions being carried on in the public building.” Buildings on the Auraria Campus are public buildings within the meaning of this statute, and the officers of the ACPD are the designees of the AHEC chief administrative officer charged with maintaining order on the Auraria Campus.

- 2.1.3. C.R.S. § 23-70-106, which authorizes the Auraria Board to promulgate rules and regulations for the safety of students, employees, and property on the Auraria Campus.
- 2.1.4. C.R.S, § 18-4-502, First Degree Criminal Trespass.
- 2.1.5. City and County of Denver Code of Ordinances § 38-115, Trespass.
- 2.2. Auraria Campus: All grounds, buildings and facilities located within the boundaries of the Auraria Higher Education Center.
- 2.3. Auraria Higher Education Center or “AHEC”: The higher education complex established in C.R.S. Title 23, Article 70, and located in the City and County of Denver.
- 2.4. Constituent Institution: As defined in C.R.S. § 23-70-101(b), an institution of higher education at and within AHEC, including Community College of Denver (CCD), University of Colorado Denver (CU Denver), and Metropolitan State University of Denver (MSU Denver).
- 2.5. Subject: The individual(s) identified in the Exclusionary Order to be excluded from the Auraria Campus.
- 2.6. Trespass: As used herein, “Trespass” means unlawful conduct pursuant to any of the Applicable Laws.

### **3. POLICY**

- 3.1. In accordance with the Applicable Laws, AHEC reserves the right to exclude any person from all or any part of the Auraria Campus. Such right may be exercised by the Chief of Police and the officers under the Chief’s command.
  - 3.1.1. This policy does not supplant or supersede the policies of the Constituent Institutions or their rights to exclude persons from the campus areas and buildings under their control. In the event a Constituent Institution requests that AHEC exclude one of its employees, students, or visitors from the Auraria Campus, the Constituent Institution shall provide the ACPD with evidence sufficient to warrant exclusion.
- 3.2. To enforce an exclusion from the Auraria Campus, the Chief of Police may issue an Exclusionary Order (“Order”) to such person (the “Subject”).

- 3.3. Exclusion from campus shall be in addition to all other rights of AHEC, including internal discipline and other remedies under law and equity. If the Subject of an Order is identified as a current student of a Constituent Institution, or an authorized resident in a housing facility located on the Auraria Campus, then a copy of the Order shall be provided to legal counsel for such Constituent Institution.
- 3.4. The Order will be issued to the Subject as set forth in the section on Notices, below. The Subject's failure or refusal to accept delivery of the Order constitutes receipt and acceptance of the Order. Once notified of such Order, the Subject shall be barred (and, when necessary, removed) from the Auraria Campus or any specific locations indicated in the Exclusionary Order, and any Trespass thereon may be prosecuted to the fullest extent of the law.
- 3.5. The Exclusionary Order shall contain:
  - 3.5.1. The effective date.
  - 3.5.2. The date on which the Order shall expire. If no expiry date is specified, then the Order is effective until revoked or set aside.
  - 3.5.3. A statement to the effect that the Subject is entitled to request a meeting with AHEC's Chief Administrative Officer (CAO) to review the Order, and an explanation of how to request the meeting. Such request shall be delivered in accordance with the provision on Notices below within seven (7) AHEC business days after the Order is delivered to the Subject. Failure to request a meeting within the time specified will result in the forfeiture of any right to a meeting or review of the Order.
- 3.6. The meeting between the Subject and the CAO may be held by telephone or video call; there is no express right to attend the meeting in person. Either party or their representative may choose to record the meeting.
- 3.7. The Order remains in full force and effect during the time the meeting is pending and taking place, and thereafter until expired or lifted.
- 3.8. At the meeting:
  - 3.8.1. The Subject shall have the right to be heard on the reasons why the Order should not be enforced as issued.
  - 3.8.2. The Subject shall have the right to be accompanied by one advisor of the Subject's choice. The advisor may, but need not be, an attorney. The advisor shall be limited to counseling the Subject during the meeting. Disruptions during the meeting will not be permitted.
  - 3.8.3. Within 30 days of the conclusion of the meeting, the Subject shall be notified in writing of the decision of the CAO.

- 3.9. Notices: Any notice or writing required to be provided under this policy must be delivered by hand, overnight courier service, or U.S. Postal certified mail with return receipt. For delivery to AHEC, the following information shall be used:  
Chief Administrative Officer  
Auraria Higher Education Center  
900 Auraria Parkway, Tivoli 325  
Denver, CO 80204

As used herein, the option of “hand delivery” does not mean that the Subject may enter upon Auraria Campus grounds from which they have been excluded for purposes of making a delivery.

#### **4. APPROVAL AND ADOPTION**

This Policy has been reviewed and approved by the Board of Directors for the Auraria Higher Education Center.

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
Chairperson of the Auraria Board