

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29409

MEMORANDUM
NUMBER 6-101

20 December 2019

TRESPASSING ON CAMPUS PROPERTY POLICY

1. PURPOSE

The Citadel is a public institution of higher education that can be visited by the general public. Even though The Citadel is an open campus, the college has the ability to determine the expectations and parameters for a person's presence on campus property. Consistent with applicable law, the college has the ability to restrict, withhold, or remove a person's access to or presence on campus property.

This policy describes the circumstances under which a person's access to or presence on campus property may be restricted, withheld, or removed. It also provides the procedures for prohibiting a person from a specific area of campus property or where appropriate, from all campus property.

2. REFERENCE

S.C. Code Ann. 16-11-620

3. DEFINITIONS

- A. Authorized College Official: The Citadel Department of Public Safety (any Campus Police officer) or persons designated by The President of The Citadel.
- B. Campus property: Property owned or leased by The Citadel, including any motor vehicle or other form of transportation owned by The Citadel.

4. POLICY

- A. Persons who violate campus policies, regulations, or rules or pose a threat or risk to the safety and security of the campus community or campus property may be ordered to exit Citadel property by The Citadel Department of Public Safety (PSAF). Individuals may also be prohibited from entering, re-entering, or remaining on campus property.
- B. Trespass Procedures.
 - 1. Grounds. Persons may be prohibited from entering or remaining on campus property on grounds including but not limited to the following:

- a. Commission or conviction of any criminal offense, regardless of where it occurred;
 - b. Violation of college policies, regulations, or rules;
 - c. Engaging in behavior or conduct that presents a threat or risk to the safety and security of the campus community or campus property;
 - d. Engaging in behavior or conduct that obstructs, disrupts, interrupts or attempts to cause the cancellation of any Campus-sponsored event or activity, including educational activities or other essential campus processes, or activities by users authorized to use the campus' facilities; or
 - e. Presence on campus property without justification or legitimate reason.
2. Procedure. Upon notice that a person or persons has taken action or may take action so as to give grounds, as described above, for the issuance of a trespass notice, the Senior Vice President for Operations and Administration (SVPOA) shall consult with other such senior school officials he or she deems appropriate, including but not limited to the Provost, the Commandant, the Vice President for Facilities and Engineering, Director of Athletics, and/or the Chief of Public Safety on the issuance of no trespass order. With the concurrence of no less than one such senior official, the SVPOA may thereafter recommend to the President that the person or persons be ordered to exit campus and/or prohibited from entering campus. The President may concur with the recommendation in writing, by electronic means, or by any other communication as he or she deems necessary. Upon such concurrence, the SVPOA shall direct the Chief of Public Safety, or his designee, to command the person or persons to depart or avoid campus until further notice or until the expiration of the trespass notice. In exigent circumstances, the SVPOA may direct the Chief of PSAF to effect such order without consultation with another senior school official or the concurrence of the President, but the SVPOA must, within twenty-four hours, effect such consultation and obtain the concurrence of the President. In emergency situations, the Chief of PSAF, or his or her designee, may issue an immediate order to vacate campus, without consultation with any senior school official or the concurrence of the President, but the Chief of PSAF must notify the SVPOA and obtain the concurrence of the President immediately upon the expiration of such emergency circumstances.
3. Notice of Trespass. A person is prohibited from entering or remaining on campus when an Authorized Campus Official provides oral or written notice to a person that the person should not enter or remain on certain campus property. A trespass warning may include notice that: the person is not to be within a certain distance of one or more other persons, must not contact another individual, and/or must not enter or remain on campus property.

4. Scope and Duration. A trespass notice will be effective for one year unless otherwise specified or as modified during appeal.
5. Students who are suspended on an interim basis, suspended, dismissed, or expelled from the campus for a violation of the Code of Student Conduct may be prohibited from entering the campus by the President or his designee. The prohibition shall remain in effect until the student's suspension ends or the expulsion is lifted.
6. Employees who are suspended, terminated, or under investigation may be prohibited from entering the campus by the President or his designee. The prohibition shall remain in effect for one year unless otherwise modified during appeal.

C. Administration.

1. The Citadel Department of Public Safety will maintain a listing of trespassed individuals. Authorized College Officials must provide The Citadel Department of Public Safety with a copy of the trespass order. The trespass order will be provided to all Vice Presidents and General Counsel for appropriate distribution within their areas. Additionally, The Citadel listing of trespassed individuals will be posted on Lesesne Gateway with photos (if available).
2. Once the Authorized Campus Official lifts the trespass, they shall provide written notice to The Citadel Department of Public Safety so that records may be updated. The person subject to the trespass should not return to the restricted area until the person has been notified by The Citadel Department of Public Safety that the trespass has been lifted.

D. Appeal Process. Violators may appeal a trespass order to the President of College by submitting a written appeal within ten (10) campus business days of the date of the order. Appeals must include a detailed written statement of the basis for the appeal, along with any other documents, photos, data, and any other information the President of College should consider. Statements of witnesses or other individuals may also be submitted. This notice of trespass, however, remains in effect during the appeal.

E. Trespass Arrest.

1. The Citadel Department of Public Safety may arrest a person who refuses to leave campus property after being directed to leave by an Authorized Campus Official.
2. In areas that are posted "no trespassing", The Citadel Department of Public Safety officers are authorized to issue a citation or make an arrest, where appropriate.

3. Court orders and campus disciplinary decisions remain in effect for the duration stated in the order/decision, and may result in an arrest for violations during that time period.

5. COMPLIANCE

Noncompliance with this policy could lead to arrest, expulsion, and/or termination.

6. NOTES

A. Dates of Official Enactment and Amendments:

Approved by Senior Vice President of Operations and Administration on 20 December 2019

B. Responsible Department

The Department of Public Safety

C. Responsible Official

Chief of Department of Public Safety

D. Cross References

[Blue Book](#)

[Disciplinary Guidelines](#)

[Regulations for Non-Cadet Students and Cadets in Day Student Status for Fall and Spring Semesters and All Students for Maymester and Summer School and Barracks Regulations for Maymester and Summer School](#)

7. RESCISSION

Not applicable.

8. REVIEW

This policy will be reviewed on a biennial basis.

FOR THE PRESIDENT:

OFFICIAL

//Signed, TGP, 20 December 2019//
THOMAS G. PHILIPKOSKY
Colonel, USAF, Retired
Senior Vice President for Operations
and Administration