

POLICY TITLE: **EXCLUSIONARY ORDER POLICY**

**POLICY BACKGROUND**

**Accountable Department or Unit:**

The University Chancellor, Vice Chancellors, Deans, Director or Department Head, Campus Safety & Security Officers or any other official designated as the person in charge of a specific area/building, facility, activity or event.

**Citation of relevant local, state, or federal laws:**

University has full control of the university and its property of various kinds, and the general code of conduct for the campus [WAC-478-124](#)

**Statement of authority within the University:**

UW Tacoma Campus Safety & Security patrol officers are authorized by University Policy to serve Exclusionary Orders to members of the general public.

**ABSTRACT**

**Policy Abstract:**

The purpose of this policy is to define when and how the Exclusionary Order (hereinafter "Order") procedure may be implemented. This policy shall not be construed to limit the authority of administrative officials to take action that may be warranted by the circumstances. **An Order is issued as a means of intervention to remove disruptive persons from specific areas or the entire campus either temporarily or permanently.**

**POLICY**

**Introduction and Background Information:**

The purpose of this policy is to define when and how the Exclusionary Order (hereinafter "Order") procedure may be implemented. This policy shall not be construed to limit the authority of administrative officials to take action that may be warranted by the circumstances. **An Order is issued as a means of intervention to remove disruptive persons from specific areas or the entire campus either temporarily or permanently** The University of Washington Tacoma is a diverse community of scholars, staff and students. One of the requirements of a scholarly community is to be free of disruptive, threatening and illegal behavior. The University of Washington Tacoma and its units have rules for the conduct of faculty, staff, students and invited guests while on campus, in part to provide an environment conducive to scholarly activities. With regard to faculty, staff and students, the University has in place mechanisms to enforce these rules, such as the disciplinary provisions of the University Handbook for employees and similar provisions in the [University Code of Conduct](#), [Student Code of Conduct](#), [UW Tacoma Library Code of Conduct](#). There are already procedures for enforcing rules of conduct for students, faculty, staff and their guest on campus. For members of the general public, the University needs specific procedures to enforce rules of conduct and use of University grounds and facilities. This Exclusionary Order Policy, together with state statutes (e.g. WAC 478-124-10, which requires adoption of rules for the maintenance of order on campus and criminalizes certain serious and disruptive behavior) and other University policies, such as [Alcohol Policy](#) [Drug Policy](#), [Sexual Assault Policy](#), [Weapons on Campus](#), provide that mechanism.

**Policy Statement:**

On occasion, it is necessary to remove members of the public from the University of Washington Tacoma campus, which includes all land and buildings owned or under control of the University of Washington Tacoma. The grounds of the University of Washington Tacoma are not places of unrestricted access, and it is the policy of the University to exclude persons who engage in illegal behavior or disrupt the University's educational mission hereinafter "disruptive persons".

Ejection from a University event, such as, a fundraiser, or from another campus area on a one time basis may not necessitate the service of an Exclusionary Order.

**Definition of Terms:**

- a. "Threat" or "threatening behavior" for the purpose of this policy, means words or actions that reasonably convey to the recipient an immediate intent to harm the person or property of the individual to whom the words or behavior are directed.
- b. "Illegal or disruptive behavior" for the purpose of this policy, includes but is not limited to actions by an individual which threatens or causes offenses against persons or property, disruption of University processes, programs or educational mission, violations of previous order given by a University official, a continuing pattern of violation of University rules and regulations after actual notice of the rules, or falsification or misrepresentation of self or other information to a University office or official.
- c. "University business day" for purpose of reviewing the appeal means a day that is not a University holiday or any other time at which the University is officially closed for regular business.
- d. The "Reviewing Authority" is the Vice Chancellor Finance & Administration or designee.
- e. A "person" is any person of the general public who is not an affiliate of the University of Washington Tacoma

**Responsibilities:**

- a. The University Chancellor, Vice Chancellors, Deans, Director or Department Head, or any other official designated as the person in charge of a specific area/building, facility, activity, or event may request an exclusionary order.
- b. UW Tacoma Campus Safety & Security officers under conditions described in the procedures listed below.

**Limitations:**

This policy may be implemented against any natural person or organization physically present on campus. This policy does not apply to University students, faculty and staff.

**Consequences of Violating Policy:**

If the individual violates the Exclusionary Policy, then they are subject to arrest for criminal trespass.

**DESCRIPTION OF PROCEDURES****Procedures:**

The following procedure will be used in ordering disruptive persons to immediately leave certain University of Washington Tacoma areas, special events or facilities, or all University of Washington Tacoma grounds and property. Disruptive persons who receive an Order are prohibited from returning for a presumptive six (6) months unless otherwise specified.

- a. In all cases of emergency (imminent bodily harm or imminent destruction of property), individuals should immediately call 911 for assistance.
- b. University of Washington Tacoma Campus Safety & Security officers may initiate an Order:
  - i. Upon request from any of the listed individuals above or
  - ii. Upon witnessing illegal or disruptive behavior, or
  - iii. To maintain campus security.

- c. UW Tacoma Campus Security officers will provide a written notice through the use of the Notice of Trespass Order, completed in full, which must include the following information:
  - i. First and last name of the individual;
  - ii. Address, if known;
  - iii. Date of incident;
  - iv. Specification of illegal or disruptive behavior;
  - v. Specific location(s) the individual is prohibited from entering;
  - vi. Length of prohibition if longer than the presumptive six months, the issuing officer shall include on the Order a brief summary of the reason(s) for the length of trespass, including permanent or indefinite (until permission to return is granted) terms;
  - vii. Consequences should the individual violate the Order;
  - viii. A notice that the disruptive person may obtain a review for appeal of the Order;
  - ix. A copy of all notices issued pursuant to this policy will be kept on file at the UW Tacoma Campus Safety & Security department;
  - x. All Orders issued by this department will be reviewed internally by the Director or designee. Any Order found to have been issued without sufficient facts or information to support action will be subject to cessation.

**Review**

The Order remains in effect during review procedure.

- a. Since neither a property or liberty interest is involved, the University provides the opportunity for a review as a courtesy to the affected person(s).
- b. Persons wishing to have their exclusion from campus reviewed must write to the University of Washington Tacoma Campus Safety & Security Department, 1900 Commerce Street, Box 358452, Dougan (DOU) 180, Tacoma WA, 98402, (253)-692-4416, to request a review within five (5) business days of receipt of the Exclusionary Order.
- c. Failure to request a review within the designated period constitutes a waiver of review.
- d. Within fifteen (15) University business days of the request, the Vice Chancellor Finance & Administration or designee will provide notification of the receipt of the request via certified mail, or any means reasonably available that provides written confirmation of the transmission and, if possible, receipt of the notice. The review will occur within thirty (30) University business days following the initial request.
- e. The Vice Chancellor Finance & Administration or designee shall review any written material provided by the person subject to the Order and may provide an opportunity for an interview at the reviewer's sole discretion if the person subject to the Order requests and the reviewer believes it is appropriate. The interview may be telephonic or by any other means deemed appropriate by the reviewer.
- f. A written or recorded record of the review shall be kept according to University records retention policies. .
- g. The review and interview, if any, will be conducted in an informal manner without formal rules of evidence or procedure.
- h. Notice of the review results will be provided to the affected person within fifteen (15) University business days of review via certified mail. No further review is available.
- i. Any time limit required or provided for in this policy can be extended or shortened by the Vice Chancellor Finance & Administration or designee, at his sole discretion on a written determination that good cause exists for such action.

**POLICY APPROVAL**

**Policy Approved by:**

Name <b>Harlan F. Patterson</b>	Title <b>Vice Chancellor Finance &amp; Administration</b>	Date <b>12/27/12</b>
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**POLICY REVIEW**

Next review of policy to be conducted by December 27, 2013