

<b>Policy:</b>	Trespass Procedure	<b>Policy No.:</b>	SS8003.1
<b>Authority:</b>	College President	<b>Associated Policy Reference No.:</b>	SS8003
<b>Policy Owner:</b>	VP Student Affairs & CDO	<b>Responsible Party:</b>	<i>Office of Public Safety</i>
<b>Approved:</b>	June 22, 2021		
<b>Revised:</b>	(DATE)		

**Purpose**

As a public institution, SUNY Broome Community College can be visited by the public. However, the College has the ability to determine the expectations and parameters for a person’s presence on campus. This addresses the procedures for trespassing a person from all or part of College property.

**Statement of the Policy**

A person is trespassed when an Authorized College Official provides oral or written notice to a person that the person should not enter or remain on certain College property. A trespass warning may include notice that: the person is not to be in a certain area, within a certain distance of one or more other persons, must not contact another individual, and/or not enter or remain on College property.

**Related Policies (by number) and Applicable Laws**

- NYS Penal Law Sec. 140.05 Trespass
- NYS Penal Law Sec. 140.10 Criminal trespass in the third degree
- NYS Penal Law Sec. 140.15 Criminal trespass in the second degree
- NYS Penal Law Sec. 140.17 Criminal trespass in the first degree.

**General Guidelines**

The Office of Public Safety has the primary authority to restrict, withhold or remove access to College property from persons identified above and will coordinate trespass actions with Authorized College Officials.

**Identification of Individual on Campus**

Administrative personnel and authorized employees of the College may demand identification and evidence of qualification from any person who, to determine their status on campus, desires to use or enter the premises of the institution.

## **Notice of Trespass**

A person is trespassed when an Authorized College Official provides oral or written notice to a person that the person should not enter or remain on certain College property. A trespass warning may include notice that: the person is not to be in a certain area, within a certain distance of one or more other persons, must not contact another individual, and/or not enter or remain on College property.

## **Scope and Duration**

The scope of the trespass will be limited in scope to that which is reasonably necessary for the protection of the College community.

### **Student Disciplinary Matters**

Students who are suspended on an interim basis, suspended, or expelled from the College for a violation of the Code of Student Conduct may be trespassed from the College by the Dean of Students or the Director of Housing. The trespass shall remain in effect until the student's suspension ends or the expulsion is lifted.

### **Student Village**

Students who are removed from the Student Village on a permanent or interim basis will be trespassed from the Student Village by the Director of Housing. The scope of the trespass will be outlined in the removal letter or College disciplinary decision that is provided to the student.

### **Persona Non-Grata (PNG)**

Individuals who have been deemed PNG by the Chief of Public Safety are permanently banned from campus and shall have permanent trespass status unless rescinded by the Chief.

## **Administration**

Public Safety will maintain a listing of trespassed individuals. Authorized College Officials must notify Public Safety in writing when they issue a trespass.

Public Safety may arrest a person who refuses to leave College property after being asked to leave by an Authorized College Official.

In areas that are posted "no trespassing", Campus Peace Officers are authorized to issue a citation or make an arrest, where appropriate.

**Definitions**

“College property” means property owned or leased by SUNY Broome State and/or the BCC Foundation

“Authorized College Official” for purposes of this policy, means Public Safety (any College Public Safety officer), Director of Housing, or Dean of Students.

“Authorized Employees” – President, Executive Vice President and Chief Academic Officer/SUNY Distinguished Service Professor, Vice President for Administrative and Financial Affairs, Vice President for Student Development & Chief Diversity Officer/Executive Director, Dean of Students, Director of Housing, Chief of Public Safety or, any person authorized by the above named individuals

**Appendix**

Student Code of Conduct

<b>Action</b> <i>(Created, Reviewed, Retired)</i>	<b>Date</b>	<b>Initials</b>	<b>Position Title</b>
<i>Created</i>	08/05/2020	MF	<i>Office of Public Safety</i>