**University of Colorado Boulder Policy**

**Topic: Exclusions of Persons from University Property**

Original X Revised \_\_\_

Approved by:

Philip P. DiStefano

Chancellor

Policy Contact: Associate Vice Chancellor for Integrity, Safety and Compliance

Effective Date:

1. **Purpose**

The University of Colorado Boulder (“University”) is committed to ensuring the safety and well-being of the campus community. Campus exclusions are extraordinary measures but may be necessary in certain circumstances when someone poses a continuing danger to a person or persons or threatens the continuation of academic, research, or business operations on university property.

## Definitions

*Administrative Procedures*: The Chancellor or the Chancellor’s delegates’ adopted procedures to determine whether to issue an *exclusion* or *interim restriction.*

*Exclusion*: The Chancellor or Chancellor’s delegate’s order which excludes an individual from all, or a portion of, University-owned or -leased property, either permanently or for a specified term,[[1]](#footnote-1) as a result of violation of university laws and policies, a violation of federal, state or municipal laws, or a determination by one or more administrator(s) referenced in the Procedures that the individual may be detrimental to the well-being of the University.

*Interim Restriction*: The Chancellor or Chancellor’s delegate’s temporary order which restricts an individual’s access to all or a portion of campus because there is evidence of an imminent risk to individual health and safety, property, or university operations. Interim restrictions are typically pending the results of an investigative or disciplinary process. Administrative units with authority to issue exclusions under the Administrative Procedures may also issue an *interim restriction* (a/k/a an *interim exclusion* or similar terminology).

*Non-affiliate*: an individual who is not a student or employee of the University of Colorado Boulder.

## Policy Statement

By delegation from the Board of Regents and the President pursuant to Regent Law 14.B.6, the Chancellor may exclude from university property any person whose behavior is detrimental to the well-being of the University or incompatible with the function of the University as an educational institution.

The Chancellor delegates the authority to issue *exclusion orders* and *interim restrictions* as provided in the *administrative procedures* related to this policy. The Chancellor delegates the authority to enforce *exclusions* and *interim restrictions* to the University of Colorado Police Chief.

The *administrative procedures* shall provide an opportunity for individuals subject to an *exclusion* to request in writing, within one month from the date on which notice is given of the exclusion, a hearing. The university shall conduct any hearing in an orderly fashion so as to afford all parties the essential elements of procedural due process. The *administrative procedures* may permit a Chancellor’s delegate to issue an *exclusion order* at the conclusion of another campus disciplinary process without an additional exclusion hearing, so long as such other process provides the excluded person notice and an opportunity to be heard on the conduct underlying the *exclusion order*. Such disciplinary processes may include, but are not limited to, those conducted in the Office of Institutional Equity and Compliance (OIEC) and Office of Student Conduct and Conflict Resolution (OSCCR).

END OF POLICY

## University of Colorado Boulder (“University”)

## Exclusions of Persons from University Property Procedures

## Delegation and Scope of Authority

* 1. University of Colorado Boulder Police Department (CUPD )

The Chancellor delegates to the Chief of Police the power to act as custodian of the property of the University for the purposes of enforcing the laws of the Regents, and federal, state, and municipal laws. Accordingly, the Chief of Police or designee, has authority to issue a term or permanent exclusion order to any non-affiliate whose behavior is deemed detrimental to the well-being of the University or incompatible with the function of the University as an educational institution. CUPD enforces this delegation of authority through a system of warnings and exclusions described in CUPD Policy 434. (Copy of policy can be obtained from CUPD upon request).

The Chief of Police or designee may issue an interim restriction order to a student or an employee on an emergency basis if the Chief of Police believes the individual poses an imminent risk to public safety, has committed a serious violation of law, or has committed serious or repeated violations of University rules; and that the individual’s continued presence would likely result in danger to persons or property and would be detrimental to the well-being of the University, its students, staff and visitors and incompatible with the University’s function as an educational institution.

The Chief of Police may issue a permanent exclusion to an employee based upon a request from the Chief Human Resources Officer (CHRO), an appointing authority, or a Dean based upon a formal assessment (e.g., by the Behavioral Intervention Team).

* 1. Dean of Students

The Chancellor delegates to the Dean of Students or designee the authority to issue exclusion orders and interim restrictions to any student consistent with the [Student Conduct Code](https://www.colorado.edu/sccr/sites/default/files/attached-files/2018-2019_student_code_of_conduct_0_0.pdf) and process or with the [Involuntary Withdrawal Policy](https://www.colorado.edu/sites/default/files/policies/student_involuntary_withdrawal.pdf).

* 1. Office of Institutional Equity and Compliance (OIEC)

The Chancellor delegates to the Associate Vice Chancellor & Title IX Coordinator of OIEC or designee the authority to issue an interim restriction or exclusion order to any student consistent with the applicable [OIEC Process and Procedures](https://www.colorado.edu/oiec/sites/default/files/attached-files/2018-19_oiec_resolution_procedures_0.pdf).

The Chancellor also delegates to the Associate Vice Chancellor & Title IX Coordinator of OIEC, or designee, consistent with the OIEC Process and Procedures, the authority to issue an interim restriction order to an employee during an OIEC investigation. The interim restriction may also provide for paid administrative leave or other work arrangements upon approval by the appointing authority and the Chief Human Resources Officer or designee. At the conclusion of an OIEC investigation of an employee which results in termination, the employee may receive an exclusion order consistent with the final sentence of Section A.4.

* 1. Appointing Authorities

The Chancellor delegates to appointing authorities the authority to issue an interim restriction to a classified or university staff member, or to a twelve-month faculty member, during the course of an administrative investigation or disciplinary proceeding, provided that appointing authorities may only exercise this authority after consulting with the CHRO or designee. The interim restriction may provide for paid administrative leave, or for remote work arrangements, during the investigation or proceeding.

If the employee is terminated, and either the appointing authority or the CHRO designee believes that the former employee should be excluded, then the appointing authority and CHRO-designee shall follow the procedures set forth in Section A.1.

* 1. Deans

The Chancellor delegates to each Dean, or designee, the authority to issue an interim restriction order to nine-month faculty members reporting to them during the course of an administrative investigation or disciplinary proceeding, which order may provide for paid administrative leave. A Dean shall consult with the Vice Provost and Associate Vice Chancellor for Faculty Affairs prior to issuing an interim restriction to a faculty member. A faculty member excluded pursuant to this Section A.5 may request review of the interim restriction from the Provost or designee, and the Provost or designee shall promptly render a decision on such request for review.

If the faculty member is terminated, and the Dean believes that the former faculty member should be excluded, the Dean shall refer the matter to the Chief or Police and CHRO to consider whether the individual should be excluded pursuant to Section A.1.

* 1. Behavioral Intervention Teams

The Chancellor delegates to the Chair of the Behavioral Intervention Team, acting on behalf of the CHRO or Dean, the authority to issue an interim restriction order on an emergency basis to an employee pending investigation or discipline­­. Within 72 hours, the CHRO or Dean (or designee) shall review and ratify the interim restriction.

For any category of exclusion or interim restriction listed above in Section A.1-A.5, the delegated authority may consult with the appropriate Behavioral Intervention or Students of Concern Team to seek input and guidance.

* 1. Records

Any administrator who issues an interim restriction or exclusion order pursuant to this policy shall forward the terms and conditions of the exclusion order to the CUPD Records Section immediately upon completion of service. The CUPD Records Section shall be the custodian of records related to exclusions (except as provided in Section B.1.g) and shall retain such records in accordance with applicable records retention policy. Investigative files and related materials shall be retained by the administrator issuing the exclusion, in accordance with the applicable retention period.

* 1. Proof of Service

The issuing administrator must provide the excluded party with documentation of the terms and conditions of their exclusion to include effective date, bases for the exclusion and potential consequences for violation of terms and conditions. The administrator must provide documentation as to the manner in which the excluded party was notified.

* 1. Duplicative Orders

Administrators who possess delegated authority to issue exclusions should attempt to avoid duplicative exclusion orders. When an excluded individual is in more than one population addressed by these Procedures (e.g., student employees), an authorized administrator who issues an exclusion order shall ensure that other administrators who supervise that individual receive notification of the exclusion. If delegated administrators learn that the same individual may be subject to more than one exclusion proceeding, they should communicate with each other and with CUPD to ensure that, to the extent practical, the individual is subject to a single exclusion procedure and order.

## Hearing Process for CUPD orders

1. In accordance with Regent Law 14.B.6, an individual who has received an exclusion order issued by CUPD may request in writing, within thirty days from the date on which notice is given of the exclusion, a hearing with the Associate Vice Chancellor for Integrity, Safety, and Compliance (AVC for Integrity, Safety and Compliance). Failure to request a review within the designated period constitutes a waiver of any hearing and appeal. A person who has received a warning, or a person who is ejected from a ticketed event, is not entitled to a hearing on the warning or ejection.
   1. The AVC for Integrity, Safety and Compliance or his/her designee shall schedule a time for the hearing to take place within a reasonable period of time after receiving a request from the excluded individual. The purpose of the hearing shall be to allow for the opportunity to exchange information related to the exclusion. The AVC for Integrity, Safety and Compliance shall have discretion to determine whether the hearing shall take place in person or via telephone or other electronic transmission. The exclusion from campus shall remain in effect while the review is pending. The excluded person may appear on campus if an in-person hearing is requested by the AVC for Integrity, Safety and Compliance or his/her designee, in which case the excluded person must arrange his/her appearance on campus through the Chief of Police or designee.
   2. For in-person or telephone hearings, the excluded individual may bring (or have present on any phone conversation) any representative of his/her choice to the hearing, which may or may not be an attorney. This representative is not allowed to speak on behalf or advocate for the excluded individual. The hearing will take place in an informal manner, without formal rules of evidence or procedure. The AVC for Integrity, Safety and Compliance may impose reasonable limits on the length of the hearing and on the excluded person’s time to present his/her information.
   3. As part of the hearing process, the Chief of Police or designee will present information to the AVC for Integrity, Safety and Compliance about why the individual has been excluded from campus, including any specific allegations against the individual surrounding the exclusion order.
   4. The excluded individual will have the opportunity to provide information explaining why he/she believes he/she should not be excluded from University property. This may include written statements, as well as a list of any witnesses that the excluded individual would like the AVC for Integrity, Safety and Compliance or his/her designee to contact regarding the circumstances pertaining to the exclusion order. The AVC for Integrity, Safety and Compliance shall have sole discretion whether to contact such identified witnesses.
   5. The AVC for Integrity, Safety and Compliance or designee will consider the information brought forth in the hearing, and make a final determination by a preponderance of the evidence whether a person’s actions, conduct or presence is detrimental to the well-being of the university or incompatible with the function of the university as an educational institution. This determination will be made within a timely fashion. The AVC for Integrity, Safety and Compliance or designee has the discretion to consult with a Behavioral Intervention/Students of Concern Teams to make this determination.
   6. If the AVC for Integrity, Safety and Compliance or designee upholds the exclusion order, the AVC for Integrity, Safety and Compliance or designee may revise the length and terms of the exclusion order.
   7. The AVC for Integrity, Safety and Compliance will act as the custodian of record for documents related to exclusion appeals.

# Periodic Review.

# Any person who is under a permanent exclusion order issued by any administrator other than the Associate Vice Chancellor & Title IX Coordinator of OIEC may, once every 5 years, petition the AVC for Integrity, Safety and Compliance for reconsideration of the exclusion order. Upon receipt of such a petition, the AVC for Integrity, Safety, and Compliance shall review the petition, along with relevant information about the exclusion from the CUPD, and any other administrators or groups on campus possessing information about the potential ongoing threat posed by the individual. Within 45 days of receiving the request for review, the AVC for Integrity, Safety and Compliance shall issue a written determination whether the order shall remain in effect or be vacated.

# Any person who is under a permanent exclusion order issued by the Associate Vice Chancellor & Title IX Coordinator of OIEC may, once every 5 years, petition the Associate Vice Chancellor & Title IX Coordinator of OIEC for reconsideration of the exclusion order. Upon receipt of such a petition, the Associate Vice Chancellor & Title IX Coordinator of OIEC shall review the petition, along with relevant OIEC and CUPD files, and may consult with any other administrators or groups on campus possessing information about the potential ongoing threat posed by the individual. Within 45 days of receiving the request for review, the Associate Vice Chancellor & Title IX Coordinator of OIEC shall issue a written determination whether the order shall remain in effect or be vacated.

# Related Sources:

# Regent Law 14.B.6 “Exclusion of Persons from University Property”

# Plus links to all other policies and P&Ps referenced in this document (e.g., OIEC P&Ps, Police Policy 434, OSCCR P&Ps, involuntary withdrawal policy, etc.)

1. This definition does not include a CUPD or security officer’s action to eject or remove an individual from a ticketed public event which does not result in an ongoing exclusion order. [↑](#footnote-ref-1)