



Procedure Number: **OPS - 021**
Procedure: **Restricting Access to the University**
References: [BOR](#) Policy Sec. 1003.3 & 1009.1 & [Facilities Use Policy](#)
Approved By: Kenneth A. Willett Director, Office of Public Safety

PROCEDURE

The President, in person or by designee, will issue formal notification of and hold hearings on restrictions on access to campus, as provided for in this policy.

A. Notice of Intent to Restrict Access to Campus and Hearing:

1. Whenever reasonably possible the restrictions on access relating to campus property or facilities which are generally open or accessible to the public-at-large (e.g. streets, alleyways, parking lots, etc.) will be preceded by a notice and opportunity for a hearing before a campus office designated for this purpose. If the results of that hearing support the issuance of restrictions on access to campus a formal notification will be issued to said individual after the hearing as described below.
2. Except as provided in Paragraph B, an individual whose disruptive activity constitutes reasonable grounds for restricting access to campus, will be afforded due process in the following manner:
 - a. The facility manager, director, chairperson, dean or other employee will attempt to resolve the complaint through personal contact or written notification.
 - b. Anyone within (2.a.) above may contact the Office of Public Safety to formally file a complaint of the disruptive activity if disruption continues.
 - c. The Office of Public Safety shall investigate the activity and provide a recommendation to the President or designee when notice of intent to restrict access is warranted.
 - d. If notice of intent to restrict access is given, the notice shall include a place, date and time for a hearing within seven (7) days of the date of the notice. The notice may be delivered personally to the individual or mailed to the address supplied by the individual, or mailed to an address available in public directories or obtained after reasonable investigation, and such notice shall be sufficient.

- e. If the person to whom notice of intent to restrict access is given does not appear for the hearing, action may be taken on the basis of facts established by University officials.
- f. The results of the hearing will be transmitted in writing to the individual and will include any conditions established by the hearing process.

B. Immediate Summary Restrictions on Access to Campus:

1. Whenever it reasonably appears that the continued presence of any person constitutes an immediate, substantial and material threat of significant injury to, or interference with, person, property, or the orderly operation of the campus, restrictions on access to campus shall be summarily imposed, under the procedure described below.
2. Under conditions where the continued presence of any person constitutes an immediate, substantial or material threat of significant injury, is life threatening or is perceived to constitute the same, restrictions on access to campus may be summarily imposed by a University Public Safety officer. If this occurs, the following procedures will be followed:
 - a. The Office of Public Safety will provide the President or designee with a report containing the following:
 - 1) The description of the person whose access to campus was summarily restricted, including, if available, the person's name, address and phone number.
 - 2) A statement of the facts giving rise to the restrictions on access to campus.
 - b. If the President or designee, upon reviewing the report finds that there is reasonable cause to believe that such person was engaged (or threatened to engage) in conduct described in B.1. or which law proscribes, he/she may confirm the restrictions on access to campus, pending a hearing. If the President or designee does not confirm the restrictions on access within 72 hours after the time the restrictions were imposed, restrictions shall expire and be of no further effect. However, any criminal, civil or administrative charge or other action made or taken during such 72-hour period shall not, for this reason, be deemed to be invalid or unenforceable.
 - c. If the President or designee confirms the restrictions on access, the person shall be given notice of the confirmation and his/her opportunity for a hearing, provided, however, that it shall be the responsibility of the individual whose access to campus has been summarily restricted to inquire of The Office of Public Safety after the 72-hour period whether the President or designee has or has not confirmed the restrictions on access to campus. If summary restrictions on access to campus have been confirmed, a copy of

the confirmation and notice of opportunity for a hearing within seven (7) days shall be delivered to the individual upon his/her request or mailed as provided above in A.2.d.above.

C. Effect of Notification of Restrictions on Access to Campus:

1. Any person who has been notified that (1) his/her access to campus has been restricted; (2) who has not had access to campus reinstated; and (3) who willfully and knowingly enters or remains upon or within such campus, building or facilities during the period for which access has been restricted shall be deemed to be without right, permission, or authority to do so, and therefore is trespassing. This will not apply to any person who enters or remains on campus for the sole purpose of attending a hearing on the withdrawal.
2. This policy shall not affect the power to suspend, dismiss, expel or otherwise discipline any student or employee under alternative disciplinary procedures. (e.g. Student Conduct Code, Collective Bargaining Agreements.)
3. Any person upon whom restrictions on access to campus have been imposed under A. or B. above may, at any time, submit a written request to the President (or designee) for a hearing on the restrictions and/or reinstatement of access to campus. If the individual elects to do so, such request shall be handled in the following manner:
 - a. The individual shall state the address to which notice of hearing is to be sent.
 - b. Upon receipt the President (or designee) shall grant an opportunity for a hearing within seven (7) days from the date of receipt thereof and shall mail a written notice of the time, place, and date of said hearing to the person at the address specified in the request.
 - c. If the individual fails to appear for the hearing, then the request for reinstatement shall be deemed withdrawn.
4. The decision of the President or designee to restrict access to campus or deny reinstatement of permission to be on University Property is appealable to the Commissioner of Higher Education, as provided in section 203.5.2 of the Montana University System Policy and Procedures.