



**BOISE STATE UNIVERSITY**

University Policy 12020

## Exclusion from Campus

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### **Effective Date**

May 2013

### **Last Revision Date**

November 10, 2023

### **Responsible Party**

Department of Public Safety, (208) 426-6911

### **Scope and Audience**

This policy applies to all Boise State University students, staff, faculty, and visitors.

### **Additional Authority**

- Idaho Code § 18-7008 (Criminal Trespass – Definitions and Acts Constituting)
  - Idaho Code § 33-3715 (Interference with Conduct of Institutions of Higher Learning – Legislative Intent)
  - Idaho Code § 33-3716 (Unlawful Conduct – Penalty)
  - University Policy 1060 (Non-discrimination and Anti-harassment)
  - University Policy 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking)
  - University Policy 1100 (Use of University Space)
  - University Policy 3240 (Maintaining Effective Learning Environments)
  - University Policy 12040 (Violence in the Workplace)
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## 1. Policy Purpose

To provide a process for removing individuals who are in unauthorized areas or who are engaging in or have engaged in behavior that is unlawful, prohibited, or disruptive to learning, recreating, or working at Boise State University.

## 2. Policy Statement

Boise State University is committed to providing a safe environment for the University community. While the University campus is largely public property, the university may exclude individuals whose behavior is criminal or otherwise prohibited, disruptive to the educational environment, research, or public service goals of the university, or the university's business operation, and/or who are in unauthorized areas.

## 3. Definitions

### 3.1 Authorized Individuals

The University President, the Associate Vice President for Public Safety, or any other University official designated as a person in charge of a specific department, office, area, building, event (including classes), or other domain of responsibility. This may include, but is not limited to, building administrators, building coordinators, housing officials, event officials and staff, department heads, deans, and instructors.

### 3.2 Exclusion Notice

A written notice issued by the Department of Public Safety as a means of intervention to order persons away from a portion of or the entirety of University-owned or -controlled property.

## 4. Exclusions

The University may exclude any individual from all, or a portion of its owned or controlled property for violation of an applicable law, regulation, code, or University policy; for disrupting the educational environment (see University Policy 3240 - Maintaining Effective Learning Environments), research, business, and other legitimate functions of the University; for otherwise interfering with the normal use of a certain space, such as a classroom, office, dining area, or the library (see University Policy 1100 - Use of University Space); and/or for being in an area where their presence is not authorized.

## 4.2 Issuance of Exclusion Notices

- a. The Department of Public Safety may issue an Exclusion Notice upon a report or upon its own determination of a criminal, prohibited, or disruptive incident of behavior, or upon request from an Authorized Individual. Such a request must include sufficient detail to document that an individual is refusing or failing to leave, has engaged in criminal, prohibited, or disruptive behavior, and/or that the individual is in an area where their presence is not authorized. The Department of Public Safety may issue an Exclusion Notice as a tool to direct an individual, including members of the public, employees, and students, to leave a certain area, special event, or non-public space.
- b. An Authorized Individual who needs to exclude an individual should request that the Department of Public Safety serve an Exclusion Notice on the individual. In the off case where an Authorized Individual other than a member of the Department of Public Safety provides a written directive limiting or prohibiting access to a portion of, or the entirety of University-owned or -controlled property, the Department of Public Safety must be provided with all relevant documentation as soon as possible, but no later than 48 hours after the written notice was provided to the individual. In these cases, the Department of Public Safety will attempt to serve a formal Exclusion Notice if the recipient fails to abide by the initial written notice. The Department of Public Safety will maintain all exclusion records for the University.

## 4.2 Enforcement

If a person refuses to leave after having been served an Exclusion Notice, or returns without proper prior approval from the Associate Vice President for Public Safety, or designee, the university may request Boise Police to issue a citation or make an arrest for criminal trespass. Such violations of the Exclusion Notice may also result in:

- Referral to the Office of the Dean of Students for student violations, which may result in action through the Student Code of Conduct (University Policy 2020).
- Referral to Human Resources for employee violations, which may result in discipline up to and including dismissal.

## 4.3 Appeals

- a. Individuals may request an appeal of the Exclusion Notice with the Department of Public Safety by sending an email, a written letter, or by calling the 24/7 Communications Center within five (5) University business days of receiving the Exclusion Notice. Appeals can be filed in one of two ways:

- Meeting: An online or in-person meeting that can be scheduled by calling the Department of Public Safety at (208) 426-6911.
- Appeal Form: Appeal forms are printed on the back of the recipient's copy of the Exclusion Notice. Completed appeal forms, and any supporting documentation, must be received by the Department of Public Safety via email at [publicsafety@boisestate.edu](mailto:publicsafety@boisestate.edu) or mailed to:

Department of Public Safety  
1910 University Drive, MS 1291  
Boise, Idaho 83725

- b. The exclusion will remain in effect until a final decision is issued on the appeal.
- c. The Associate Vice President of Public Safety will convene an Exclusion Appeal Board, which will be composed of delegates from the Department of Public Safety, the Office of the Dean of Students, Housing and Residence Life, Human Resources, the Office of Title IX and Institutional Equity, and the Provost's Office.
- d. Once an appeal has been received, the Exclusion Appeal Board has the discretion to determine if the exclusion should be modified, maintained, or rescinded based on the facts and circumstances, balancing the person's access needs versus the University's safety risks and likelihood of further ongoing disruption.
- e. The Department of Public Safety will notify the individual of the Exclusion Appeal Board's decision, including the reasoning for such decision, in writing within ten (10) University business days (the time may be extended by the university with notice not to exceed fifteen (15) University business days). The Exclusion Appeal Board's decision is final.

## 5. Related Information

University Policy 2020 (Student Code of Conduct)

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## Revision History

November 10, 2023