**Policy Title:** Exclusionary Orders  
**Policy ID #:** 6-2023-005

**Effective Date:**  
**Effective Date:** September 26, 2012  
**Category:** 6. Public Safety/Risk Management

**Policy Owner:**  
**Policy Owner:** Vice President for University Operations  
**Contact(s):**  
University Police  
Web: [http://police.colostate.edu/](http://police.colostate.edu/)  
Phone: (970) 491-6425

---

**PURPOSE OF THIS POLICY**

This policy provides direction to responsible university personnel for the issuance of orders excluding a person from entry upon university property. This policy is adopted pursuant to the inherent authority of the University to protect the safety of persons and property within its supervision and control and the specific authority vested in the University by law to adopt orders, rules, and regulations necessary for the administration, protection, and maintenance of its public buildings and property, including the prohibition of activities or conduct within public buildings or on public property.

**APPLICATION OF THIS POLICY**

This policy applies to everyone and to all CSU university owned- or controlled property.

**DEFINITIONS USED IN THIS POLICY**

*University Business Day:* Any day on which the University is open for regular business.

**POLICY STATEMENT**

**Basis for Exclusionary Order**

Colorado State University is committed to the principles of freedom of expression and peaceful assembly. These principles can only be realized in an environment that is safe and conducive to academic and research activities. Pursuant to C.R.S. §18-9-109, et seq. (1973,
as amended), it is unlawful for any person to “willfully refuse or fail to leave the property of or any building or other facility used by any educational institution upon being requested to do so by the chief administrative officer, or his or her designee charged with maintaining order on the school premises and in its facilities, or a dean of such educational institution, if such person is committing, threatens to commit, or incites others to commit any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.”

In accordance with such section and other applicable laws and policies, the University reserves the right to exclude any person from all or any part of its campuses or facilities to the extent that such person’s conduct (i) materially disrupts, or presents a significant threat of materially disrupting the academic environment, mission, or orderly operation of the university campus or facility; (ii) engages in conduct that constitutes harassment or loitering; or (iii) constitutes a threat to the safety and well-being of persons lawfully present on any such campuses or in any such facilities. Such right shall be exercised by the Chief of Police, who may delegate such authority to the officers under his or her command.

Such reserved right shall be in addition to all other rights of the University to exclude persons in connection with the imposition of internal discipline. If the Subject is identified as a current student of the University, or an authorized resident in University housing, then a copy of the Order shall be promptly provided to the Director of the Student Resolution Center and Director of Support and Safety Assessment. If the Subject is identified as a current employee of the University, then a copy of the Order shall be promptly provided to the Executive Director of Human Resource Services and to the Director of Support and Safety Assessment. If any of those offices take independent action pursuant to applicable policies and procedures governing student or employee conduct, the Order may be rescinded by the Chief of Police.

**Issuance of Order**

Any such exclusion of a person shall be enforced by the issuance of an Exclusionary Order (the “Order”). The Order will be issued to the affected person (the “Subject”) by hand delivery, email, or certified mail. The Subject’s failure or refusal to accept delivery of the Order constitutes receipt and acceptance of the Order. Once notified of such Order, the Subject shall be barred (and, when necessary, removed) from the campuses and facilities indicated in the Order, and any trespass thereon may be prosecuted by the University to the fullest extent of the law.

Issuance of an Exclusionary Order does not preclude any other law enforcement action or any disciplinary action pursuant to the policies and procedures of the University.
POLICY PROVISIONS

Procedures

The Subject shall, upon written request to the University President’s Chief of Staff/Associate Vice President of Safety and Risk Services (AVPSRS), be entitled to a hearing on the propriety of such Order, before a committee comprised of three persons appointed by the President’s Chief of Staff/AVPSRS or designee (the “Committee”). Such request shall be filed with the President’s Chief of Staff/AVPSRS within seven university business days after the Order is hand-delivered, sent by email, or received by certified mail to the Subject. The request for a hearing shall be submitted in accordance with the instructions on the Exclusionary Order. The hearing shall be held by such Committee within ten university business days after the filing of the request, upon reasonable notice to the Subject of the opportunity to be heard, as further set forth herein. The Order remains in full force and effect during the hearing and any subsequent appeal process.

The Committee shall provide the following processes and protections to the Subject:

1. The Subject shall have the right to file a written objection to the Exclusionary Order for consideration by the Committee, no later than onethree business days prior to the date set for the hearing.

2. The Subject shall have the right to present relevant testimony, including the testimony of one or more witnesses, during the hearing (subject to reasonable limitations on time and manner of presentation, as determined by the Committee).

3. The Subject shall have the right to be accompanied by an advisor of the Subject’s choice. The advisor may, but need not be, an attorney. The advisor shall be limited to counseling the Subject during the hearing, shall not act as a representative or advocate, and may not otherwise participate directly in the hearing. Disruptions during the hearing will not be permitted. In addition, the University may have advisors present, including university counsel.

4. Unless otherwise ordered by the Committee, acting in its sole discretion, the hearing shall be conducted by telephone.

5. There shall be no discovery process in connection with the hearing. However, any pertinent records, exhibits and written statements that either the Subject or the University’s representative would like the Committee to consider, as well as a list of any witnesses who may be called, must be provided to the Committee and to the opposing party at least one business day three business days in advance of the hearing. All such information shall be provided to the University at the following address: Office of the General Counsel, 01 Administration Building, Fort Collins, CO 80523-0006, or electronically to an email address provided by the Office of the General Counsel prior to the hearing.
6. The rules of evidence will not apply in such hearing. Hearsay may be received and considered in light of whatever indicia of reliability are present.

6. Within three university business days of the conclusion of the hearing, the Subject shall be notified, in writing, of the decision of the Committee.

Appeal of Decision

Any decision of the Committee that is adverse to the Subject may be appealed within seven university business days after notice of the decision is provided to the Subject via hand delivery, email, or certified mail. The appeal shall be made in writing to the President’s Chief of Staff and must clearly set forth the basis for the appeal. An appeal is limited to a review of the record of the hearing, including supporting information that was evaluated by the Committee. The only matters properly considered on appeal are: 1) whether the hearing was conducted fairly, giving the Subject adequate opportunity to be heard and present relevant information; and 2) whether the decision of the Committee was sufficiently supported by the evidence presented at the hearing. Minor deviations from designated procedures will not be a basis for supporting an appeal unless there is an adverse effect on the outcome of the hearing. The university’s representative, who is the Chief of Police, or the Chief’s designee, may submit a written response to the appeal. The Chief of Staff, or the Chief’s designee, shall consider the appeal and render a decision in writing. The’s decision on the appeal shall be final.

Effective Date and Period of Order; Petition for Termination

Once issued, an Exclusionary Order shall remain in effect until terminated by the University, unless otherwise specified in the Order or revoked by the Chief of Police. Not less than one year from the date of issuance of the Order, the Subject may file a written petition for termination of the Order with the Chief of Police of the University. If the decision of the Chief of Police on the petition is adverse to the Subject, the Subject may file a written appeal, within seven university business days after such decision is issued, with the President’s Chief of Staff. Such review shall be limited to the written record unless the Chief of Staff, in his or her sole discretion, orders a hearing.

If the Subject is identified as a current student of the University, then a copy of the Order shall be promptly provided to the Director of the Student Resolution Center. If the Subject is identified as a current employee of the University, then a copy of the Order shall be promptly delivered to the Executive Director of Human Resource Services.

COMPLIANCE WITH THIS POLICY

POLICIES OF COLORADO STATE UNIVERSITY

Exclusionary Orders
Any person, including but not limited to a person who is a Subject of an Exclusionary Order, who willfully fails to comply with this policy may be subject to disciplinary action by the university in accordance with its applicable policies and procedures, or to prosecution under the law, or both. No individual shall have any right of personal protection by reason of the issuance or enforcement of an Order pursuant to this policy, nor shall any claim or cause of action arise from any failure to enforce such an Order.

REFERENCES


Referral for Psychological Assessment and Involuntary University Withdrawal

FORMS AND TOOLS

Form: Exclusionary Order and Notice of Right to Appeal

APPROVALS

Approved by Amy Parsons, Vice President for University Operations on, September 26, 2012

Revision approved by Lynn Johnson, Vice President for University Operations, on August 12, 2016

Revision approved by Lynn Johnson, Vice President for University Operations, on