



Campus Administrative Policy

Policy Title: **Exclusion of Persons from University Property**

Policy Number: 3052A **Functional Area:** General Administration

Effective: November 8, 2024

Approved by: Terri C. Carrothers
Executive Vice Chancellor for Administration and Finance, CU Anschutz

Applies to: CU Anschutz

A. INTRODUCTION AND PRIMARY DELEGATION

The University of Colorado’s (“University”) Anschutz Medical Campus (“CU Anschutz”) Chancellor has delegated to the CU Anschutz Chief of Police (“Police Chief”) or their designee, the power to act as custodian of the property of the CU Anschutz for the purposes of enforcing University Regent Laws and other relevant municipal, state, and federal laws. This power to act shall include, but not be limited to, the following:

1. Arresting those persons (students, staff, faculty, visitors, volunteers, and members of the public) who commit criminal acts on CU Anschutz owned or leased property in violation of University Regent Laws, University policies, rules, regulations, and other municipal ordinances, state, and federal laws;
2. Issuing warnings to those persons who are in violation of either University Regent Laws, University policies, rules, and regulations; and
3. Excluding any persons whose behavior is deemed to be detrimental to the well-being of the University or incompatible with the function of the University as an educational institution. Included are those who interfere with students, staff, or faculty of CU Anschutz in the performance of their educational pursuits or job duties, or who interfere with visitors to CU Anschutz who are on official business.

B. POLICY STATEMENT

The CU Anschutz Police Department may issue warnings or exclusions, as described in Section E., below, to provide reasonable protection to the University and CU Anschutz

community, as well as provide notice to those individuals accused of violating University Regent Laws, University or CU Anschutz rules, regulations, and policies, and other related municipal, state, and federal laws or pursuant to Section A(3) above.

C. STUDENT EXCLUSION ORDERS: FURTHER DELEGATION

The Chancellor has delegated to the CU Anschutz Associate Vice Chancellor for Student Affairs or their designee the authority to initiate a request for a temporary/limited exclusion order which will be sent to the Police Chief or their designee for their further expedited review, to any student whose behavior is deemed to be detrimental to the well-being of the University and CU Anschutz, or incompatible with the function of the University as an educational institution. If a temporary/limited exclusion order is issued, the student may request a meeting with the Police Chief or their designee within five (5) business days to determine whether the temporary exclusion should be continued.

Exclusions may be issued to those students who interfere with other students, staff, or faculty of CU Anschutz in the performance of their respective educational pursuits or job duties, or who interfere with visitors to CU Anschutz. Any exclusion order requested by the CU Anschutz Associate Vice Chancellor for Student Affairs or their designee, in conjunction with the student's school or college, will be sent to the Police Chief for review, issuance and continued enforcement after issuance.

D. OFFICE OF EQUITY: FURTHER DELEGATION

The Chancellor has delegated to the Assistant Vice Chancellor & Title IX Coordinator of the CU Anschutz Office of Equity or their designee the authority to initiate a request for a temporary/limited exclusion order, which will be sent to the Police Chief or their designee for their further expedited review, regarding any student whose behavior is deemed to potentially constitute a violation of any of the policies within the Office of Equity's jurisdiction pursuant to the Office of Equity's procedures and protocols. If a temporary/limited exclusion order is issued by the Police Chief or their designee, the student may request a meeting with the Police Chief or designee; this request must be sent by email to the Police Chief within five (5) business days. If a meeting is requested, a meeting will take place between the student and the Police Chief or their designee to determine whether the temporary exclusion should be continued. At the conclusion of an Office of Equity investigation of a student that results in sanctions, the student or former student may receive a permanent exclusion order from the Police Chief or their designee.

The Chancellor also delegates to the Assistant Vice Chancellor & Title IX Coordinator of the CU Anschutz Office of Equity or their designee the authority to initiate a request for a temporary/limited exclusion order, which will be sent to the Police Chief or their designee, regarding any employee whose behavior is deemed to potentially constitute a violation of any of the policies within the Office of Equity's jurisdiction pursuant to the Office of Equity's procedures and protocols. If a temporary/limited exclusion order is issued by the Police Chief or their designee, the employee may request a meeting with the Police Chief or designee; this request must be sent by email to the Police Chief within five (5) business days. If a meeting is requested, a meeting will take place between the employee and the

Police Chief or their designee to determine whether the temporary exclusion should be continued. At the conclusion of an Office of Equity investigation of an employee that results in findings and sanctions, the employee or former employee may receive a permanent exclusion order from the Police Chief or their designee.

E. TYPES OF WARNINGS AND CAMPUS EXCLUSIONS

1. Warning: A written warning may be used to inform individuals of the University's laws, policies, and procedures, and the consequences for violations. A written warning may be issued when a minor criminal violation or an alleged violation of University law or policy has occurred on CU Anschutz, or the behavior at issue negatively affects University operations pursuant to Section A(3) above. Usually, when a warning is issued, the Police Chief or designee will provide the individual a copy of University rules and regulations related to the violation. In addition, the Police Chief or designee should write a case report documenting the conduct that warranted the warning. A warning may or may not be issued pursuant to the serving of a summons and complaint.
2. Temporary/Limited Exclusion: A temporary/limited exclusion may be issued when a minor criminal violation or an alleged violation of University law, rule, regulation, or policy has occurred on CU Anschutz, or the behavior at issue negatively affects University operations pursuant to Section A(3) above. In addition, the Police Chief or designee should write a case report documenting the conduct that warranted the temporary/limited exclusion. A temporary/limited exclusion may be issued for up to one year. The usual consequence of a temporary/limited exclusion is an exclusion (ban) of the individual from University property for a finite period of time. A temporary/limited exclusion may or may not be issued pursuant to the serving of a summons and complaint.
3. Permanent Exclusion: A permanent exclusion, which shall last more than one year, may be issued only by the Chief of Police or their designee when:
 - a. A person has committed a serious violation of the law, has repeatedly violated University laws, rules, regulations, or policies affecting CU Anschutz; and/or
 - b. The continued presence of the individual is deemed to be detrimental to the safety or well-being of CU Anschutz students, staff, patients, and visitors, including but not limited to:
 - 1) Interfering with office operations;
 - 2) Unauthorized presence in a controlled area;
 - 3) Disturbing others; or
 - 4) Unauthorized activity.

The conduct leading to a permanent exclusion shall be documented in a police report and the date and time of the issuance of the exclusion shall be documented in the report.

When issuing either a temporary/limited or permanent exclusion, the CU Anschutz Police Chief or designee must determine that an individual's actions, conduct, or presence is detrimental to the safety or well-being of the University and CU Anschutz community and is incompatible with the function of the University as an educational institution. Permanent exclusions will result in the exclusion of an individual from a specific area of CU Anschutz or the entire campus for an indefinite period of time.

Final permanent exclusions may be communicated to the University's Denver, Boulder, and Colorado Springs Campuses and may result in exclusions from some or all four University Campuses within the discretion of the Police Chief or their designee, and the relevant chiefs of police or their designees on the other three University Campuses.

F. CU ANSCHUTZ POLICE DEPARTMENT HEARING PROCESS

1. Individuals have the right to a hearing before the Police Chief or their designee regarding receipt of a temporary/limited exclusion or permanent exclusions, but not for warnings, based on the procedures outlined below:
 - a. The Police Chief or their 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. If an excluded individual does not request a hearing within thirty (30) calendar days of receiving notice of the exclusion order, they waive all right to challenge or appeal the exclusion. If no hearing is requested, the Police Chief or their designee will make a decision based on the available information. All hearings shall take place either at the CU Anschutz Police Station, via telephone, or via videoconference.
 - b. The excluded individual may bring (or have present on any phone, videoconference, or in-person conversation) any representative of their choice, which may or may not be an attorney. During the hearing, 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.
 - c. During the hearing, the Police Chief or their designee will present information to the excluded individual about why they have been excluded from CU Anschutz, including any specific allegations against the individual surrounding the exclusion order.
 - d. The excluded individual will have the opportunity to provide testimony and information explaining why they believe they should not be excluded from CU Anschutz property. This may include written statements, as well as a list of any witnesses that the excluded individual would like the Police Chief or their designee to contact regarding the circumstances pertaining to the exclusion order.

- e. The Police Chief or their designee will consider the evidence brought forth in the hearing and make a final determination using a preponderance of the evidence standard as to whether the excluded individual's actions, conduct, or presence is detrimental to the safety or well-being of the University and CU Anschutz community, or incompatible with the function of the University as an educational institution. This determination will be made within a timely manner and promptly communicated to the excluded individual.
- f. The length and terms of the exclusion shall be within the discretion of the Police Chief or their designee.

G. APPEAL PROCESS

1. All individuals may appeal their exclusion from CU Anschutz by following the procedures outlined below:
 - a. Appeals must be made by the excluded individual to the CU Anschutz Executive Vice Chancellor for Administration and Finance or their designee in writing within fourteen (14) calendar days of receipt of an exclusion order. Failure to request a review within the designated period constitutes a waiver of any appeal review.
 - b. Throughout the duration of the appeal process, the excluded individual will continue to be excluded from CU Anschutz. Upon receipt of the appeal request for review, the CU Anschutz Executive Vice Chancellor for Administration and Finance or their designee will review any written material provided by the excluded individual during the hearing with the Police Chief or their designee and any additional written material provided by the excluded individual in their appeal to make a final determination of whether the exclusion order should be upheld. The CU Anschutz Executive Vice Chancellor for Administration and Finance or their designee will not conduct a subsequent hearing or conduct additional interviews.
 - c. The excluded individual will be notified via e-mail and/or certified U.S. Mail of the final outcome of the appeal. A copy of the decision will be sent to the CU Anschutz Campus Police Records Section. The determination of the CU Anschutz Executive Vice Chancellor for Administration and Finance or their designee is final.

H. CU ANSCHUTZ CAMPUS STATUS

Should a temporary/limited exclusion order and/or a permanent exclusion order be issued, and upheld if appealed, pursuant to the above procedures, the excluded individual may be subject to additional consequences including, but not limited to, suspension from or termination of current employment or enrollment as a student. Additionally, should the excluded individual apply for future employment or enrollment, a temporary/limited exclusion order and/or a permanent exclusion order will be considered as part of the employment or admissions process.

I. RECORDS REGARDING EXCLUSION ORDERS

The CU Anschutz Campus Police shall be the custodian of records related to exclusions and shall retain such records in accordance with applicable records retention policy. Investigative files and related materials shall be retained by the CU Anschutz Office of Equity and CU Anschutz Campus Police, in accordance with the applicable retention period.

Notes

1. History
 - March 6, 2009: Adopted
 - February 1, 2105: Revised
 - November 8, 2024: Policy 3052 was recast into separate policies for Denver (3052D) and Anschutz (3052A).
2. Responsible Office
 - Executive Vice Chancellor for Administration and Finance | CFO, University of Colorado Anschutz Medical Campus