

Trespassing

Isothermal Community College is open to its faculty, staff, students, and members of the community. Under the Laws of North Carolina ([GS 14-159.12](#) and [14-159.13](#)), Isothermal Community College has the right to forbid a person to come on its property, in order to maintain an atmosphere in which people in the college community can go about their varied activities. Persons on campus that prevent or disrupt business activities, or interfere with the mission of the college may be subject to trespass. The College President has authorized officers from the Rutherford County Sheriff's Department to issue a trespass notice and to enforce as necessary the rights of the College under the statutes cited. Persons to whom the campus is open do not always have the "right" to be in specific areas at any time. (Example: student center, classrooms, business offices, etc.) Therefore, any person can be trespassed from specific parts of the campus, and the rest of the campus may remain open to him or her.

The following procedures have been established when an officer has observed incidents involving person(s) who are a nuisance, a perceived threat, or a disruption to the learning environment. As a contracted officer for the College, should a situation arise dealing with a person(s) that is unruly, a nuisance, or is threatening, the officer may either advise this person that he or she should leave the premises or the officer may issue an OFFICIAL TRESPASS NOTICE as authorized by the College President. Refusal of the person to comply with the request by an officer may result in his or her arrest for trespassing.

GROUNDS FOR A TRESPASS NOTICE

It is necessary that the grounds for such warnings be consistent and that warnings be given and documented adequately whenever possible. Therefore, the following guidelines should be followed when such trespassing warnings are necessary.

Trespass Notice - In order to issue a trespass notice, there must be a reason based upon the individual's action(s), or the location and time of day. The person's race, age, or appearance cannot enter into the reason for the trespass warning. All faculty and staff are encouraged to notify the Campus Officers promptly when any of the reasons for trespass are observed. Reasons a person may be issued a trespass warning include, but are not limited to, the following reasons:

- Prowling around buildings or parking lots without explanation
- Committing any crime on campus
- Being a nuisance to any member of the College community
- Refusing to identify him or herself
- Camping upon college property without permission
- Behaving in a disorderly manner
- Violation of the Student Code of Conduct

Arrest - When a trespass warning has been given it is hoped that an arrest will not be necessary; however, arrest may be necessary in some cases. The following situations clearly indicate that an arrest is indicated:

- A person has been warned but refused to leave the campus.

- A person is stopped and records indicate that the person has received a previous trespass warning.

Process for Requesting a Release of Trespass

1. A request for releasing a trespass will not be considered by the President within six months of the trespassed date. The form should be requested from the Dean of Student Services, Dean of Continuing Education or a Campus Officer.
2. Prior to submitting the request for release of the trespass, if the individual has been suspended by the Dean of Student Services or Dean of Continuing Education, the trespassed individual must communicate with the appropriate Dean the desire that the suspension be lifted. A REQUEST FOR LIFTING A SUSPENSION IS COMPLETELY SEPARATE FROM A CONTINGENCY RELEASE OF TRESPASS. IF A SUSPENSION IS LIFTED THERE IS NO EXPECTATION OR IMPLICATION THAT A CONTINGENCY RELEASE OF TRESPASS WILL BE GRANTED.
3. The trespassed individual must submit **to the President's Office via direct mail** the form requesting a Contingency Release of Trespass with a written request attached addressing the following items:
 - a. how the individual has or intends to alter behavior(s)/actions that contributed to the initial trespass
 - b. the reason for desiring to return to campus
4. Upon receipt of the request, the President will consult with the appropriate Campus Enforcement Officer(s) and Administrator(s) for a recommendation to proceed or deny the request.
5. The President will review the recommendations and determine whether to proceed with the process or deny the request.
6. If the determination is made by the President to proceed, the trespassed individual will be required to meet with the Campus Enforcement Officer(s) and the appropriate Administrator(s) to discuss, identify, and document the restrictions and stipulations of the release.
7. The recommendation with outlined restrictions and/or stipulations will be forwarded to the President.
8. The appropriate Vice-President will review the documentation and make a recommendation to the President.
9. A determination will then be made by the President whether a meeting with the trespassed individual and the appropriate Vice-President is desired prior to rendering a decision.
10. Following the review and the meeting, if applicable, the president will render the decision and notify the requesting party using the information provided on the request form. **The decision of the President is final.**
11. To be effective, the request for release process must be completed in totality with the appropriate signatures.
12. **FAILURE TO COMPLY WITH THE STATED RESTRICTIONS AND/OR STIPULATIONS MAY RESULT IN THE REINSTATEMENT OF THE TRESPASS OR FURTHER SANCTIONS.**

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