



Policy Name:	Student and Visitor Trespass from University Property
Originating Department:	Office of the Vice-President (Students and Enrolment)
Approval Authority:	Senior Management Committee
Date of Original Policy:	May 2014
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Contact:	Vice-President (Students and Enrolment)

1. Purpose:

The purpose of this policy is to protect the health, safety and well-being of students, faculty and staff, from real or potential threats to the University community, as well as its learning, living and/or work environments. This includes but is not limited to students, staff or individuals who:

- pose a risk to the health, safety or well-being of the University community;
- have been charged or associated with criminal acts or other offences on or off university property;
- pose an unreasonable interference to the operations of the University, its learning, living and work environments and to comply with legal obligations including but not limited to the Occupational Health and Safety Act and the Ontario Human Rights Code.

This policy aims to limit University property access as necessary in recognition that the University has an obligation to protect the overall university community, which supersedes its responsibility to any individual. This remedial approach seeks to impose restrictions that are no greater than necessary to protect the university community, and to make clear that inappropriate and/or dangerous conduct will not be condoned.

The policy seeks to preserve the integrity of University activities and housing, and to promote peaceful and safe enjoyment of University property.

This policy supports and clarifies the measures in section IX, subsection D of the Student Rights and Responsibilities (SRR) policy.

2. Scope:

This policy applies to students, consultants, suppliers, contractors and their employees, visitors or guests while on Carleton University property (whether on or off the main campus), when the implications of such conduct pose a real or potential threat to the health, safety or well-being of

the University community and/or may disrupt the operations of the University, its learning, living and/or work environments.

3. Interim Measures:

The University retains discretion to implement interim measures that are appropriate in the circumstances to support the safety, health or well-being of the University property environment and/or to safeguard the legitimate interests of the University, its operations and the University community (e.g. interim suspension, temporary trespass, no contact requirements, and restrictions on or loss of privileges).

4. Roles and Responsibilities:

- I. **Student at Risk Assessment Team (SARET):** is charged with evaluating the risk posed by an individual to Carleton University and the University community. SARET can recommend restrictions on a student's activities or privileges on University property up to and including the recommendation of a temporary trespass order or an academic hold. SARET may also impose support recommendations (e.g. referrals to health professionals, counselling services, educational corrective measures). This committee includes the Associate Vice-President Student Affairs and representatives from Campus Safety Services, Health & Counselling Services, Housing and Residence Life Services, Paul Menton Centre, Registrar's Office, Student Affairs and other representatives and expertise as required.
- II. **Vice-President Students and Enrolment (VPSE):** is responsible for reviewing SARET recommendations and is responsible for final decision-making regarding temporary trespass orders or registration holds.
- III. **Provost:** is the University Chief Academic Officer responsible for final decision making on recommendations for permanent trespass orders, upon recommendation of the Vice-President Students and Enrolment.
- IV. **University Secretary:** is responsible for convening and chairing the University Appeal Board upon receipt of complete appellant documentation, communication of decision of the Appeal Board to appellant, VPSE and Provost, and will act as the official contact for the University for all permanent trespass individuals, and will ensure the full implementation of Permanent Notice Prohibiting Entry appeals and its procedural elements.

5. Guidelines:

- a) In cases where alleged behaviours pose significant threat to the health, safety or well-being of students or members of the University community, the VPSE or Provost may bypass the non-academic misconduct procedures outlined in the Student Rights and Responsibilities (SRR) policy to facilitate an expedited response. In such cases, the VPSE

or Provost may immediately impose restrictions or a trespass order from University property.

- b) The above restrictions may be imposed at any time including before, during, or after a civil or criminal process at the discretion of the VPSE or Provost. The conditions enacted by the University are in no way construed as indicative of culpability and shall remain in place at the discretion of the University.
- c) The University may impose conditions and/or restrictions in addition to those enacted by civil or criminal courts. Changes to conditions imposed by external entities do not nullify or alter any condition set by the University.

5.1 Reasons for issuing a trespass order from University property include but are not limited to:

- Disruption of, or interference with, University activities, such as: causing an unreasonable disruption; significant threats; creating dangerous situations (intentional or not); making or causing excessive noise; disrupting the academic learning environment, events or examinations; presenting false identification or documentation; intentional misrepresentation; tampering with fire or life safety equipment; blocking exit route.
- Serious misconduct on University property or where there is a clear nexus to the University community regardless of where the conduct occurred or is alleged to have occurred. This includes all forms of electronic communication and social media including platforms considered to be University property (eg., cuLearn, CU official social media accounts, student group accounts and clubs and society platforms) that have implications that may adversely affect the University community or its members.
- Participation in or association with criminal, illegal conduct, or otherwise irresponsible behaviour, on or off-campus that could reasonably affect the safety or well-being of the University community or its members.
- Charges under the Criminal Code of Canada or alleged violations, on or off-campus applicable under federal or provincial laws.
- Non-compliance with and/or breaches of University policies, guidelines, or directives, on or off-campus including but not limited to the Student Rights and Responsibilities Policy, Carleton's Human Rights Policy and the Sexual Violence Policy.
- Non-compliance with legal obligations, on or off-campus including but not limited to the Occupational Health and Safety Act and the Ontario Human Rights Code.

5.2 Factors considered when imposing a trespass order from University Property include, but are not limited to:

- Conduct that threatens or endangers the health, safety, well-being or property of any person.

- The severity of the offence, including its impact on others (Carleton University students, faculty or staff, members of the broader community).
- Disruption to the University's learning, living and/or work environments.
- The degree to which the party in question, accepts responsibility for their actions, engages with supports offered, and completes educational or restorative remedies offered.
- Extenuating circumstances that may help explain the action taken by the individual.
- Any aggravating factors.
- Any mitigating factors.
- Any record of relevant previous discipline, offences or conduct.

6. Limited Access to University Property (Director, Student Care and Support, Mental Health, and Conduct):

Under this policy and the Student Rights and Responsibilities Policy, the Director or their designate can impose limitations to a student's access to University property in the form of a Behavioural Contract. A Behavioural Contract will limit or deny specific privileges to ensure the safety, health or well-being of a member(s) of the University Community or to prevent disruption to the operations of the University. Any restrictions imposed may affect a student's participation in campus life but will permit, to the extent possible, the student to complete their academic studies.

Limitations imposed within Behavioural Contracts may include but are not limited to:

- i. Loss of privileges to access University services and/or spaces and property, on and off campus. This may include, but is not limited to, the University library, Health and Counselling Services, athletics, campus dining areas, campus pubs, driving or parking on University property.
- ii. Limitation to the amount of time a student may be on University property to attend classes and the University library.
- iii. Limitations regarding entrance into the University's residence buildings, facilities or property.

Behavioural Contracts can be appealed to the Carleton University Resolution Board (CURB) within 10 (ten) calendar days of their imposition. See the Student Rights and Responsibilities policy for information regarding CURB.

7. Temporary Trespass from University Property (SARET):

7.1 SARET may recommend a temporary trespass from University property order to the VPSE, to prevent an individual's access to University property. This temporary trespass can extend to preventing an individual from attending classes both in person and electronically for the duration of the term specified in the trespass order. The temporary trespass order will be in place a

maximum of 8 months. The temporary trespass order may be lifted if the student has provided documentation demonstrating they are not a threat to themselves or the community or, a decision has been made by the VPSE that the individual is permitted to return to University property. The types of documentation and information required to lift the temporary trespass order is at the discretion of the VPSE and may include (but is not limited to) the following:

- A detailed letter of appeal stating why the individual wishes to return to campus and why the individual is no longer a threat to the safety and well-being of the University community;
- Formal documentation (i.e., the Carleton University *Treating Physician Return to Campus Questionnaire*) from an appropriate health professional(s) (i.e. physician, psychiatrist, psychologist or counsellor) indicating that the individual is complying with treatment, presents no threat to self or others and is able to resume their studies, and/or live in the Carleton Residence community;
- Current police records check with criminal and judicial matters check;
- A minimum of three professional letters of reference that focus on the individual's efforts during the temporary trespass order. These letters shall clearly demonstrate the actions taken to address the issues that have caused the behaviour, how the individual plans for these behaviours to not be repeated and how the individual will maintain safety to self and others;
- Evidence that all current outstanding disciplinary sanctions have been addressed;
- A third-party release that enables University officials to speak with the individual's treating health professional(s) (i.e., physician, psychiatrist, psychologist, counsellor) about their health status and other related officials, as may be required.

7.2 Notwithstanding the results of any trespass order and subsequent assessment, the student or individual may still be held accountable for violations of the Student Rights and Responsibility Policy or other applicable University Policies. Students are also not eligible to study on Exchange or on a Letter of Permission during the period a temporary trespass order is in effect.

7.3 The individual seeking permission to return to University property will be responsible for all costs associated with obtaining documentation, information or certifications requested by the University for the purposes of evaluating the request. This includes (but is not limited to) medical or risk assessments, police or judicial record checks, professional reference letters and/or letters of approval or recommendation. This responsibility remains with the individual irrespective of the University's final decision on the matter.

8. Temporary Trespass period, further measures and Province's Trespass to Property Act R.S.O. 1990

A temporary trespass order cannot exceed a period of 8 (eight) months. Prior to expiry of the temporary trespass order, SARET will make a recommendation as to the status of the trespass order. This can include one or more of the following, (but is not limited to):

- Permission for the individual to return to campus with or without conditions imposed;
- Transition of the trespass into a registration hold;
- Transition of the trespass to a medical hold;
- Transition of the trespass into a permanent trespass order.

Temporary trespass order recommendations are subject to approval by the VPSE.

The University reserves the right to permit an active student to complete their current term of study when imposing a trespass order, provided measures are in place to mitigate risk of harm to the University community. When an individual has not provided documentation that satisfactorily addresses the concerns of the University, SARET will recommend a permanent trespass order to the VPSE for the Provost's approval.

For operational purposes, the Director of Campus Safety Services can trespass an individual for 7 (seven) calendar days, where the individual is believed to pose an imminent risk.

Individuals violating a trespass from campus can be subject to arrest under the Province's Trespass to Property Act R.S.O 1990.

9. Permanent Trespass from University Property Order (Provost):

Permanent trespass orders are issued by the Provost, or in their absence the VPSE, and prevent an individual from accessing University property indefinitely. This will also prevent an individual from enrolling in courses, whether on campus, online or on exchange and from securing Letters of Permission required for enrollment in other institutions. A permanent trespass order can only be lifted by appealing to the University Appeal Board (see section 10.3 below).

Temporary reprieves of a permanent trespass from University property will not be permitted. Individuals violating a permanent trespass from University property can be subject to arrest under the Province's Trespass to Property Act R.S.O 1990.

A student may not graduate while under a permanent trespass from campus order from the University, nor will the University verify completion of degree requirements.

10. Protocols

10.1 Protocol for Instituting a Trespass from University Property Order:

- I. Information has been received by the University that, including but not limited to, suggests an individual has committed a violation, been involved in an offence, there is a strong indication that the individual poses a threat to the health, safety and well-being of the University community, the individual has not adhered to measures which have already been in place, or the individual's behaviour impedes the learning, safety or well-being or work of others on Carleton property;
- II. The information is delivered to the Office of the AVPSA. This information may include reports provided by external agencies, such as but not limited to, Campus Safety Services, the police, or the courts.
- III. The individual's information is presented to SARET for recommendation. In cases where the matter is urgent and SARET cannot be fully constituted, a minimum of 2 members of SARET will recommend appropriate actions to the VPSE. In such cases, the SARET members involved in the recommendation, at their earliest opportunity, must make a report to the full SARET in support of the action taken.
- IV. In the case of a temporary trespass order, the Chair of SARET will recommend to the VPSE to issue a letter to the individual outlining the details of their temporary trespass from University property order. The letter will include information about the incident(s) or conduct which led to the trespass order, which restrictions have been mandated, the time period of the trespass order, and information about appeal procedures.
- V. In the case of a permanent trespass from University property, SARET will make a recommendation to the VPSE who will recommend issuance of a permanent trespass order to the Provost. The Provost will be responsible for making the final decision on all permanent trespass from University property orders.
- VI. In confirming a permanent trespass from University property, the Provost will issue a letter to the individual outlining the details of their trespass from University property. This letter will include information about the incident(s) or conduct which led to the trespass, which restrictions have been mandated, and the time period of the trespass and appeal procedures.
- VII. Deans and Associate Deans and others (as deemed appropriate by SARET) will be advised of student trespass orders, upon their execution, by the AVPSA.

10.2 Appealing a Temporary Trespass from University Property Order:

- I. An individual with a temporary trespass order has 2 (two) opportunities to appeal the decision:
 - a. Initial appeal – a letter of appeal, must be submitted by the individual, to the Chair of SARET (the AVPSA) within (10) calendar days of receiving the notification letter. The initial appeal shall refer to the process and/or the opportunity for the individual to submit new evidence or exceptional considerations that were not mentioned prior to the Temporary Trespass Order being issued. An initial appeal will not proceed until the appellant has provided the required formal documentation and information necessary for the appeal. Students cannot appeal denial of an initial appeal.

- b. Final appeal – a letter of appeal, supported by required formal documentation, must be submitted by the individual to the Chair of SARET (the AVPSA) prior to the expiry of the temporary trespass order. (Required formal documentation and information may include but is not limited to the documents outlined in section 7 of this policy).
- II. The Chair, SARET will convene a meeting of SARET to review the documents and determine whether to seek further information from the individual, recommend a return to University property plan and/or Behavioural Contract, or recommend a permanent trespass from University property to the VPSE.
- III. When considering lifting a Temporary Trespass Order, SARET may consult with any persons, groups or resources that are required in order to ensure the health, safety and well-being of the student and broader University community. At any time, SARET may request more information from the trespassed individual that SARET in its discretion determines is required to consider the matter. If the individual does not supply the requested information by the requested date given by SARET, SARET may recommend a permanent trespass from University property order, to the VPSE. Individuals wishing to appeal a permanent trespass decision refer to “Appealing a Trespass Order” outlined below.
- IV. If SARET determines that the individual may return to University property, SARET will work with the individual to implement a return to campus plan, which may include a Behavioural Contract, support plan, restrictions or other strategies to facilitate safe return to the campus community.
- V. Once the return to campus provisions are completed, the Chair of SARET (in the case of Temporary Trespass Order) will recommend to the VPSE to issue a letter to the individual confirming their status.

10.3 Appealing a Permanent Trespass from University Property Order:

- I. To appeal to lift a permanent trespass order the individual must submit a request to the University Secretary by email to secretariat@carleton.ca. The appeal shall not proceed until the appellant has provided the required documentation and information necessary for the appeal. (Required formal documentation and information may include but is not limited to the documents outlined in section 7 of this policy).
- II. The University Secretary may seek clarification and guidance from SARET upon receiving the appeal request.
- III. With the submission of the required assessments and/or other information, the University Secretary will convene the University Appeal Board (hereafter the “Appeal Board”) to hear and review the appeal to remove or amend the permanent trespass order. The University Secretary chairs the Appeal Board. The Appeal Board will have a membership of two faculty members and two University staff members and additional resource persons may be called upon at the discretion of the University Secretary. The University Secretary will vote on matters where Appeal Board members cannot resolve an appeal through consensus, or where members have a split vote. Quorum for the Appeal Board will be its membership, including the Chair. The appealing individual

(thereafter the “appellant”) is permitted the opportunity to present their appeal orally (in person or by electronic means at the discretion of the University Secretary) and may bring a Support Person (as defined below) to their hearing with the Appeal Board. The Appeal Board may also request a representative(s) from SARET attend the hearing to present any information that they would like the Appeal Board to consider in its deliberations.

- IV. When considering an appeal, the Appeal Board may consult with any persons, groups or resources that are required in order to ensure the health, safety and well-being of the University community. At any time, the Appeal Board may request more information from the trespassed individual. If an appellant does not supply the requested information by the date requested by the Appeal Board, the Board will reject the appeal and the appellant will be required to wait a two-year period before they can reapply to remove their permanent trespass order.
- V. If the Appeal Board determines that the appellant can return to University property, the University Secretary, on its behalf, may advise the Director (Student Care & Support, Mental Health & Conduct) to develop a Behavioural Contract and establish any other requirements with a trespassed student in advance of the student’s return to University property.
- VI. Once the established requirements have been completed and signed by the appellant, the University Secretary will confirm with the VPSE, Provost’s Office and the Chair of SARET and a letter will be issued to the appellant confirming the appellant’s status and any conditions that are required for the appellant’s return to University property.
- VII. If the Appeal Board is not satisfied that the appellant has fulfilled the requirements to remove their trespass order and/or determines that the appellant remains a risk and/or is not capable of resuming their studies, the appeal will be denied and the individual will be required to wait a two-year period before reapplying to the Appeal Board and a decision letter will be issued to the appellant.
- VIII. The University Secretary will advise the Provost, VPSE, AVPSA and Director Campus Safety Services of all decision letters issued to the appellant.
- IX. The AVPSA will advise Deans and Associate Deans and others (as deemed appropriate by SARET) of any trespass orders that are lifted by the Appeal Board.

Related Policies may be found at: <https://carleton.ca/secretariat/policies/>

Human Rights Policy
Student Rights and Responsibilities Policy
Sexual Violence Policy
Workplace Harassment Prevention Policy
Workplace Violence Prevention Policy
Freedom of Speech Policy
Trespass to Property Act, R.S.O 1990

Definitions

Associate Vice-President, Student Affairs (AVPSA): Individual who oversees the Office of Student Affairs and is responsible for the administration of this Policy. They are the chair of CURB and SARET and hear all appeals for decisions made as a part of the student conduct process. They may make determinations and/or recommendations under this policy independently.

Carleton University Resolution Board (CURB): is chaired by the AVPSA and consists of four members; one faculty member, one staff member, one student, and the chairperson. Students may appeal to CURB for decisions made by the Director, Student Affairs, AVP Athletics, Director of Co-operative Education and the Director of Housing and Residence Life Services as outlined in the Student Rights and Responsibilities Policy, Athletics Code of Conduct, Co-op Participation Agreement, and the Residence Standards Agreement.

Director, Student Care and Support, Mental Health and Conduct (the Director): an individual who will receive, review and hear allegations of misconduct, make determinations and/or recommendations under this policy independently and ensure the full implementation of this Policy and its procedural elements.

Interim Measures: are temporary measures put in place by the AVPSA to protect the parties and/or the university community during the process. Interim measures may be implemented at any time during the process and pending a final decision.

Manager, Student Conduct & Harm Reduction (the Manager): the primary non-academic misconduct case manager for Carleton University. Also oversees harm reduction and other educational programming related to the Policy and other relevant policies.

Medical Hold: Issued when SARET determines that the student(s) is a threat to themselves or others. Medical clearance is required before the individual may resume academic studies or independent living in Residence at Carleton University.

Notice Prohibiting Entry: may be temporary or permanent in duration and denies the affected individual access to all University lands, equipment, facilities, services, activities, programs, meetings or events or those held by, on, or any such activities that are in association with the University. A temporary trespass will be in place no longer than 8 months. In cases of no action from the student, SARET will reassess a temporary trespass and may recommend to the VPSE conversion to a permanent trespass.

Provost: The Provost, or in their absence the VPSE, is responsible for making the final decision regarding a permanent trespass for students and other individuals who are deemed to be a risk to the University community.

Student:

- a) a person who is permitted to register in a course of study at the university;
- b) a person engaged in any academic work which leads to the recording and/or issuance of a mark, grade or statement of performance by the appropriate authority of the University or another institution, including those institutions who are hosting Carleton students on international exchange; or
- c) a person who is entitled to a valid student card and who is entitled to use University facilities, and/or is participating in the intensive language programs and/or bridging or transition programs under the Centre for Initiatives in Education.

Student at Risk Evaluation Team (SARET): a committee made up of university administrators who are responsible for evaluating and directing responses to students who may be at risk of harming themselves or the university community or are otherwise incapable of functioning academically.

Support Person: a person who supports a student throughout a hearing to provide advice, guidance and/or moral support to the student, arranged by the student. For the purpose of this policy, the support person may be the Ombudsperson, a representative from CUSA, RRRRA, GSA, another student or family member. The support person may also accompany the student to the hearing. The support person is not considered to be a party at the hearing and may not act or speak on the student's behalf.

University Appeal Board ("Appeal Board"): is chaired by the University Secretary, has a membership of two faculty members and two University staff members, and additional resource persons, selected at the discretion of the University Secretary.

University Secretary: is responsible for convening and chairing the University Appeal Board upon receipt of complete appellant documentation, communication of decision of the Appeal Board to appellant, VPSE and Provost, and will act as the official contact for the University for all permanent trespass individuals, and will ensure the full implementation of Permanent Notice Prohibiting Entry appeals and its procedural elements.

Visitor: means anyone who is not a student, staff, or faculty member of the University.

Vice-President Students and Enrolment (VPSE): The VPSE oversees the Student and Visitor Trespass from Campus Policy and on the recommendation of SARET may impose a Temporary Trespass Order and/or a Registration Hold. The VPSE recommends permanent Trespass Orders to the Provost, as recommended by the SARET.