

Policy Name:	Student and Visitor Trespass from University Property
Originating/Responsible Department:	Vice-President (Students and Enrolment)
Approval Authority:	Senior Management Committee
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Contact:	Associate Vice-President (Student Health and Wellness)

Policy Statement:

Carleton University's "Student and Visitor Trespass from University Property" policy is designed to protect the health, safety, and well-being of the university community by regulating access to university property. This policy applies to any individual on any property owned, operated, or controlled by Carleton University including but not limited to students, consultants, suppliers, contractors and their employees, visitors, or guests while on Carleton University property.

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, 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 access to University property as necessary in recognition that the University has an obligation to protect the university community, which supersedes its responsibility to any individual.

The policy seeks to preserve the integrity of University activities and housing, and to support a safe environment on University property.

Scope:

This policy applies to any individual on any property owned, operated, or controlled by Carleton University. The University will consider trespass when an individual's presence on university property poses 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.

No element of, or process within this policy, will limit, diminish, or restrict the University's ability to act consistent with its authority under the *Trespass to Property Act*, R.S.O. 1990, c. T.21 without prejudice.

Procedure:

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).

1. Guidelines

- a) Where alleged behaviours pose significant threat to the health, safety or well-being of students or members of the University community, the Vice-President (Students and Enrolment) (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.
- d) The Sexual Violence Review Committee has the authority, in accordance with the Sexual Violence Policy, to issue a trespass order as part of its decision-making process. Any trespass order(s) issued by the Committee may only be appealed under the Appeal Process set out in the Sexual Violence Policy.
- e) For operational purposes, the Director of Patrol Operations or delegate can trespass an individual for 7 (seven) calendar days to facilitate further review of the incident under University policy.
- f) Individuals violating a trespass from university property can be subject to arrest under the Trespass to Property Act R.S.O 1990.

2. 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 having a clear connection 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 (e.g., Brightspace, or official University social media accounts,) 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-university property 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-university property applicable under federal or provincial laws.
- Non-compliance with and/or breaches of University policies, guidelines, or directives, on or off-university property 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-university property including but not limited to the Occupational Health and Safety Act and the Ontario Human Rights Code.

3. 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 alleged or potential 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.
- If applicable, the degree to which the individual 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.

4. Temporary Trespass from University Property

The Temporary Trespass measure from University Property is intended for use only with active students (as defined by the Undergraduate Calendar). The Student-at-Risk Evaluation Team (SARET) may impose a Temporary Trespass from University property order to restrict a student's access to University property. Students are not eligible to study: in-person, online, on Exchange or on a Letter of Permission during the period a Temporary Trespass order is in effect. The Temporary Trespass order may only be in place for a maximum of 8 months.

5. Expiry of Temporary Trespass

Prior to expiry of the Temporary Trespass order, the SARET will make a determination 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 student to return to university property with or without conditions imposed;
- Transition of the trespass into a registration hold; or
- Recommendation for Permanent Trespass order from university property.

At the expiration of the Temporary Trespass a student is required to demonstrate they are not a threat to themselves or the community by submitting evidence that may include (but is not limited to) the following:

- A detailed letter of appeal stating why the student wishes to return to campus and why the student is no longer a threat to the safety and well-being of the University community;
- Formal documentation (i.e., the Carleton University Return to Studies Treating Provider Form) from an appropriate health professional(s) (i.e. physician, psychiatrist or nurse practitioner) indicating that the student 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 student'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 student will maintain safety to self and others;

- Evidence that all current outstanding disciplinary outcomes have been addressed;
- A third-party release that enables University officials to speak with the students' treating health professional(s) (i.e., physician, psychiatrist or nurse practitioner) about their health status and other related officials, as may be required.

If the SARET determines that the student may return to University property, the SARET will work with the student to implement a return to campus plan, which may include a Coordinated Care Plan, restriction of campus privileges, or other strategies to facilitate safe return to university property.

Notwithstanding the results of any trespass order and subsequent assessment, the student may still be held accountable for violations of the Student Rights and Responsibility Policy or other applicable University Policies.

6. Appealing a Temporary Trespass from University Property Order

A student seeking to appeal a Temporary Trespass order must submit their appeal to the Vice-President (Students and Enrolment) within (10) calendar days of receiving the notification of a Temporary Trespass order. The appeal should address the procedural concerns and/or present new evidence or exceptional considerations that were not available prior to the Temporary Trespass order being issued. An appeal will not proceed until the student has provided the required documentation and information. Decisions to deny an appeal cannot themselves be appealed.

7. Permanent Trespass from University Property Order (Provost)

Permanent Trespass orders are issued by the Provost, or in their absence the VPSE. A Permanent Trespass order prevents 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 9 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 *Trespass to Property Act* R.S.O 1990.

A student may not graduate while under a Permanent Trespass from university property order from the University, nor will the University verify completion of degree requirements.

8. Protocol for Instituting a Permanent Trespass from University Property

- I. Request for Permanent Trespass order from the appropriate authority is submitted to the VPSE for review. Supporting information may include reports provided by external agencies, such as but not limited to, Campus Safety Services, the police, or the courts.
- II. The information is presented to the Provost with a recommendation from the VPSE. The Provost will be responsible for making the final decision on all Permanent Trespass from University property orders.

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 appeal procedures.

9. 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 Governance Secretariat 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 Temporary Trespass section 4).
- II. The University Secretary and Chief Governance Officer (USCGO) may seek clarification and guidance from appropriate university departments upon receiving the appeal request.
- III. Once all required documentation has been received, the USCGO will convene the University Appeal Board (hereafter the "Appeal Board") to review the appeal to remove or amend the Permanent Trespass order. The USCGO 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 USCGO. The USCGO 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 to their hearing with the Appeal Board. The Appeal Board may also request a representative(s) from relevant campus departments 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.
 - a. 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 up to a two-year period, at the discretion of the Appeal Board, before they can reapply to remove their Permanent Trespass order.
- V. For a student appellant, the Appeal Board may either:
 - a. Reject the appeal and maintain the trespass order;
 - i. If the Appeal Board is not satisfied that the student has fulfilled the requirements to remove their trespass order the appeal will be denied and the student will be required to wait up to a two-year period, at the discretion of the Appeal Board, before reapplying to the Appeal Board and a decision letter will be issued to the student by the USCGO.
 - b. Approve the appeal and lift the trespass order; or
 - c. Approve the appeal and lift the trespass order with conditions
 - i. The Appeal Board will refer the case to the appropriate authority to determine any conditions that may be required to support a return to Carleton property. If conditions are imposed, the USCGO, on behalf of the Appeal Board, will coordinate with Student Health and Wellness, Student Affairs, and/or Campus Safety Services to establish them.

- ii. Once requirements are completed and signed, the USCGO confirms with the VPSE, Provost's Office, the AVPSA and AVPSHW, and a return-to-campus letter is issued by the USCGO.

The USCGO will advise the Provost, VPSE, AVPSA, AVPSHW and Campus Safety Services of all decision letters issued to the student appellant.

VI. For a visitor appellant, the Appeal Board will either:

- a. Reject the appeal and maintain the trespass order
 - i. If the Appeal Board is not satisfied that the visitor appellant has fulfilled the requirements to remove their trespass order the appeal will be denied and the individual will be required to wait up to a two-year period, at the discretion of the Appeal Board, before reapplying to the Appeal Board and a decision letter will be issued to the appellant.
- b. Approve the appeal and lift the trespass order

The USCGO will advise the Provost, VPSE, AVPSA, AVPSHW and Campus Safety Services of all decision letters issued to the visitor appellant.

10. Definitions

Coordinated Care Plan: is a structured approach to managing a person's health and wellness needs by ensuring that all aspects of their care are organized and integrated across different providers, services, and settings.

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.

Registration Hold: Is a restriction that prevents an individual for registering or enrolling in courses.

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.

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, RRRA, 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.

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

Roles and Responsibilities:

Student-At-Risk Evaluation Team (SARET)

The SARET is charged with evaluating the risk posed by students to Carleton University and the University community. The SARET can recommend restrictions on a student's activities or privileges on University property up to and including the recommendation of a trespass order or registration hold.

Associate Vice-President (Student Health & Wellness) (AVPSHW): Oversees the Office of Student Health and Wellness and serves as Chair of the SARET. As the Chair of the SARET, the AVPSHW is responsible for final decision making on recommendations for Temporary Trespass orders.

Campus Safety Services (CSS)

Responsible for conducting risk assessments both as a member of the SARET and independently for visitors. Based on these assessments, CSS will provide recommendations, including requests to the VPSE for Permanent Trespasses when appropriate.

Vice-President (Students and Enrolment) (VPSE)

Responsible for reviewing appeals of Temporary Trespass orders imposed by the SARET, and providing recommendation to the Provost on all Permanent Trespass requests.

Provost and Vice-President (Academic)

The University Chief Academic Officer responsible for final decision making on recommendations for Permanent Trespass orders.

University Secretary and Chief Governance Officer

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 permanently trespassed individuals, and will ensure the full implementation of Permanent Notice Prohibiting Entry appeals and its procedural elements.

University Appeal Board ("Appeal Board"): 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.

Contacts:

Associate Vice-President (Student Health & Wellness)

Links to related Policies:

Freedom of Speech Policy
Human Rights Policy
Sexual Violence Policy
Student at Risk Policy
Student Rights and Responsibilities Policy
Workplace Harassment Prevention Policy
Workplace Violence Prevention Policy