

PROCEDURE

Procedure Title	Notice of Trespass
Procedure Holder	Organizational Effectiveness
Procedure Approver(s)	Senior Team
Related Policies	
Related Procedures	
Appendices	4
Storage Location	Website - https://www.confederationcollege.ca/policies-and-procedures
Effective Date	April 12, 2013
Next Review Date	

Purpose

In support of the *Health and Safety Policy*, and the College's commitment to provide and sustain a safe and healthy learning community, this Practice outlines guidelines for restricting access to College premises, further to the *Trespass to Property Act, R.S.O.1990*.

Definitions

Premises

College-owned, rented or leased lands and structures, including buildings, and all adjacent property (including grounds, green space, parking lots, and roadways), as well as vehicles, aircraft, and trailers and portable structures used for residence, business or shelter.

Trespass

Carries the definition used in the *Trespass to Property Act, R.S.O.1990*.

Trespass an offence

2. (1) Every person who is not acting under a right or authority conferred by law and who,

(a) without the express permission of the occupier, the proof of which rests on the defendant,

(i) enters on premises when entry is prohibited under this Act, or

(ii) engages in an activity on premises when the activity is prohibited under this Act; or

(b) does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier,

*is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.
R.S.O. 1990, c. T.21, s. 2 (1).*

Community member

A person who is a member of the Confederation College community, including an employee, student, contractor, volunteer, lessee, client or patron of Confederation College, and may include a member of the public attending at a facility that is owned, leased or rented by Confederation College.

Prohibited person

A person who is prohibited from entering the premises of the College by virtue of a written or oral "Notice of Trespass".

Occupier

In the context of this Practice, refers to the College.

Procedure Statements**1. PROCESS**

- 1.1. A community member who encounters an individual engaged in inappropriate behaviour will advise their supervisor, a Security Guard, or another College employee as soon as possible. If immediate and urgent assistance is required, a supervisor, or

other College employee who receives the complaint, shall immediately contact a Security Guard (at the Thunder Bay Campus), or Police (at regional campuses and satellite offices).

- 1.2. If a community member acts in a violent manner, displays disruptive behaviour, threatens any community member, or otherwise violates the College's *Code of Conduct Policy*, the *Student Charter of Rights and Responsibilities Policy*, the *Student Code of Conduct Policy*, the *Campus Safety and Security Policy*, or the *Reporting and Investigation of Campus Violence Procedure*, a No Trespass Notice may be issued prior to, during, or subsequent to an investigation of the incident at the request of the party

responsible for undertaking the investigation further to the policy (e.g. a supervisor, dean, director, Vice-President, President, etc.).

2. ISSUING AN ORAL NOTICE OF TRESPASS

- 2.1. A Security Guard (at the Thunder Bay Campus), or a party acting under the authority of the Occupier (at a regional campus or satellite office), may issue an oral Notice of
- 2.2. An oral Notice of Trespass will be supported by documentation completed subsequent to the issuance of the notice (Appendix A).
- 2.3. It is understood that an oral Notice of Trespass will be temporary in nature, and will be in effect until such a time as a decision on a *Request for a Notice of Trespass to Be Issued* (Appendix B) has been made.

3. ISSUING A WRITTEN NOTICE OF TRESPASS

- 3.1. Should the party responsible for undertaking the investigation further to an incident described in 3.2 feel that a written No Trespass Notice should be issued, that party will complete a *Request for a Notice of Trespass to Be Issued* (Appendix B).
- 3.2. The party requesting the issuance of a No Trespass Notice will meet with the Senior Manager, Public Safety, an alternate or designate, and review the Request and supporting documentation.
- 3.3. If it is deemed that a Notice of Trespass is to be issued, the Senior Manager, Public Safety, an alternate or designate, will approve the Request and complete the Notice of Trespass.
- 3.4. The Senior Manager, Public Safety, an alternate or designate, will arrange to have the Notice of Trespass served to the prohibited person in one of the following ways:
 - 3.4.1. if the address of the prohibited person is unknown and the prohibited person is on the premises: by a Security Guard (Thunder Bay), or a party acting under the authority of the Occupier (regional campuses or satellite offices);
 - 3.4.2. if the address of the prohibited person is unknown and the prohibited person is not on the premises: by the local police service;
 - 3.4.3. if the address of the prohibited person is known and the prohibited person is not on the premises: by a local process server; or by registered mail.
- 3.5. On confirmation that the Notice has been served, a copy of the Notice will be delivered to the local police service (if the local police service is not yet in receipt of a copy) by a

Security Guard (Thunder Bay); or by a party acting under the authority of the Occupier (at a regional campus or satellite office); or, by a process server.

- 3.6. A copy of the Notice of Trespass will be kept on file in the Public Safety – Security Services Office.
- 3.7. A master list of Notices of Trespass will be on kept file in the Public Safety – Security Services Office, accessible to all Public Safety staff; and the Senior Manager, Public Safety, or alternates. The list will be updated as Notices are issued, amended or rescinded.
- 3.8. If there is no existing Banner record for the prohibited person, a Banner record will be created. The Senior Manager, Public Safety, or alternate, will ensure that the information concerning the Notice of Trespass is recorded in the Banner “Additional Information tab”.

4. RESCINDING A NOTICE OF TRESPASS

- 4.1. After a full calendar year, with no further incidents, a written application (Appendix D, attached) may be made to rescind the Notice of Trespass and grant the prohibited person access to College premises. The request may be made by any party; however, the party making the original request for the Notice must be consulted during the subsequent review by the Senior Manager, Public Safety. The Senior Manager, Public Safety, will review the file and make a decision as to whether the Notice may be

rescinded absolutely; whether a prohibited person may be allowed on the premises on a trial basis; or whether the Notice of Trespass will remain in effect.

4.2. Factors that may be considered in determining the length of time that a Notice of Trespass will be in effect include, but are not limited to:

4.2.1. the on-going safety and security of all members of the College community,

4.3. the type of incident that occurred; and the circumstances giving rise to the incident;

4.3.1. a history of previous incidents on campus involving the prohibited person; whether there was injury, or property damages or losses arising from the incident;

4.3.2. whether police were contacted and/or charges were laid; and

4.3.3. the professional opinion of the police, a health care provider, or a counsellor on the likelihood of a recurrence.

4.4. If a Notice is rescinded, and further incidents occur, the Senior Manager, Public Safety, will re-issue the Notice of Trespass and the one year review period will be lengthened to two years.

4.5. If a request is made to rescind or to vary the Notice prior to one year after the issuance of the Notice of Trespass, the Senior Manager, Public Safety, may consider the request on an exceptional basis; however, approval to rescind or to vary the Notice on either a temporary or permanent basis may only be made by the Executive Director, Strategic Planning and Organizational Development on the recommendation of the Senior Manager, Public Safety.

Non-Compliance

The Supervisor, Public Safety (Thunder Bay), or a party acting under the authority of the Occupier (at a regional campus or satellite office), will contact the local police service if a prohibited person does not comply with the Notice of Trespass.

Revision History

Version	Change	Author	Date of Change