

Dalton State College

No Trespassing Notifications

Origination: February 2014
Revised: November 2018

I. Purpose

The purpose of this policy is to establish guidelines for Dalton State College's issuance of a no trespass notification to a person who is, has been, or is threatening to be present on college property and who has engaged in criminal activity, a continued violation of college policy, or conduct that is or may reasonably be deemed to be threatening, disruptive, or violent. It may also be issued in instances where ongoing public health/sanitary concerns are an issue. A no-trespass notification constitutes an official prohibition against entering college property. Any person who violates a no-trespass warning may be arrested and charged with criminal trespass under the Georgia Criminal Code.

II. Policy

Dalton State College has substantial and meaningful ties to the surrounding community. For this reason, even though the entire campus is private property, most outdoor areas and some buildings on campus are, in a general sense and during normal business hours, "open to the public." At the same time, the college is committed to safeguarding the people who learn, research, live, work and visit here, to ensuring the safe operation of college activities, and to protecting college assets. Dalton State College thus can, and does, restrict access to buildings during non-business hours. Additionally, from time to time, the college exercises its right to deny access to some or all college property after a reasoned determination has been made that a person has engaged, or is reasonably likely to engage, in criminal activity, a violation of college policy, or conduct that is or may reasonably be deemed to be threatening, disruptive, or violent. A no-trespass warning remains in effect until modified or withdrawn in writing by the Director of Public Safety or his designee. Regardless of whether a no trespass

warning has been issued, any person who is deemed to have committed a crime may be arrested by law enforcement and referred for prosecution. For purposes of this policy, “college property” includes all indoor and outdoor spaces owned or leased by or from the college, including but not limited to all buildings that constitute the Dalton State College campus.

III. Applicable Statutes

A. 16-7-21. Criminal trespass

(a) A person commits the offense of criminal trespass when he or she intentionally damages any property of another without consent of that other person and the damage thereto is \$500.00 or less or knowingly and maliciously interferes with the possession or use of the property of another person without consent of that person.

(b) A person commits the offense of criminal trespass when he or she knowingly and without authority:

(1) Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person for an unlawful purpose;

(2) Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person after receiving, prior to such entry, notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant that such entry is forbidden; or

(3) Remains upon the land or premises of another person or within the vehicle, railroad car, aircraft, or watercraft of another person after receiving notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant to depart.

(c) For the purposes of subsection (b) of this Code section, permission to enter or invitation to enter given by a minor who is or is not present on or in the

property of the minor's parent or guardian is not sufficient to allow lawful entry of another person upon the land, premises, vehicle, railroad car, aircraft, or watercraft owned or rightfully occupied by such minor's parent or guardian if such parent or guardian has previously given notice that such entry is forbidden or notice to depart.

(d) A person who commits the offense of criminal trespass shall be guilty of a misdemeanor.

(e) A person commits the offense of criminal trespass when he or she intentionally defaces, mutilates, or defiles any grave marker, monument, or memorial to one or more deceased persons who served in the military service of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof, or a monument, plaque, marker, or memorial which is dedicated to, honors, or recounts the military service of any past or present military personnel of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof if such grave marker, monument, memorial, plaque, or marker is privately owned or located on land which is privately owned.

B. 16-11-35. Removal from campus or facility of unit of university system or school; failure to leave

(a) As used in this Code section, the term:

(1) "Chief administrative officer," in the case of a public school, means the principal of the school or an officer designated by the superintendent or board of education having jurisdiction of the school to be the officer in charge of the public school.

(2) "Chief administrative officer," in the case of a unit of the university system, means the president of the unit of the university system or the officer

designated by the Board of Regents of the University System of Georgia to administer and be the officer in charge of a campus or other facility of a unit of the university system.

(3) "Public school" means any school under the control and management of a county, independent, or area board of education supported by public funds and any school under the control and management of the State Board of Education or department or agency thereof supported by public funds.

(4) "Unit of the university system" means any college or university under the government, control, and management of the Board of Regents of the University System of Georgia.

(b) In any case in which a person who is not a student or officer or employee of a unit of the university system or of a public school and who is not required by his or her employment to be on the campus or any other facility of any such unit or of any public school enters the campus or facility, and it reasonably appears to the chief administrative officer of the campus or facility, or to any officer or employee designated by him or her to maintain order on the campus or facility, that such person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or the officers or employees designated by him or her to maintain order on the campus or facility may direct the person to leave the campus or facility, and, if the person fails to do so, he or she shall be guilty of a misdemeanor of a high and aggravated nature.

IV. Process

Persons who have engaged in criminal activity, a continued violation of college policy, or conduct that is or may reasonably be deemed to be threatening, disruptive, violent or there is a public health concern may be issued a no-trespass notification. Criminal activity that will not be considered an offense where a criminal trespass notification will be issued/warranted are traffic offenses, etc. The notification will be given in writing and explained to the person at which time they will sign that they understand the notification. Generally, a written no trespass notification will inform the person: (1) that he/she is barred from all college property or parts of the college property (specifying the portion, e.g., Residence Life, etc.) (2) of the reason for the no trespass notification; and (3) that if he/she returns to college property (or the designated portion) he/she will be subject to arrest for criminal trespass. No-trespass notifications are effective immediately. Failure of the person to sign the notification does not void the notification, as it will be explained in detail to the person and “refused to sign” noted on signature line.

V. Review

A person who has received a no-trespass notification may make a written petition for the review of the notification by directing the request to the Director of Public Safety. The petition must include the reasons for the review request, a complete and candid explanation for the conduct that precipitated the no-trespass notification, the basis for the desire to be on college property, and any other information the person wishes to be considered. The Director of Public Safety will facilitate a review of the no trespass notification with administration. The no-trespass notification remains in effect during and after the review process, unless the warning is modified or withdrawn.

Written Petitions for review should be directed to;

Dalton State College
Director of Public Safety
Michael Masters
650 College Drive Dalton, Ga 30720
Dalton, Georgia 30720
mmasters@daltonstate.edu

VI. Expiration

No trespass notifications have a predetermined expiration date unless otherwise noted on the notification. These expiration dates are based on the Georgia statute of limitations and were recommended by USG. The notification will generally have an expiration date of 2 years from the date it was served (misdemeanor crimes, conduct violations, etc.). More serious violations such as; forcible rape, murder, crimes against children, kidnapping and other more serious crimes or repeated offenses will generally be in force from 4 to 7 years or as otherwise determined by the severity of the offense.