

COLLEGE of CHARLESTON

OFFICIAL POLICY

8.1.4

**Policy on Excluding Individuals from College Property
(Barring Policy)**

10/1/2020

Policy Statement

South Carolina law allows the College, as a land owner, to “warn” a person not to enter or remain upon the property of the College. The failure to obey such a warning “without good cause or good excuse” is a crime. This policy applies to such an occurrence and the actions which may be taken by certain designated college employees, to ban certain individuals from College property.

Policy Manager and Responsible Department or Office

Public Safety, Office of Legal Affairs

Policy

The College has exercised its authority to bar certain individuals in the past to prevent certain persons from entering, remaining on, or returning to the Campus based upon a reasonable suspicion that the person may pose a threat or potential threat to the person or property of one or more of our students, faculty members, or staff. The College may also bar persons from returning to the Campus who have committed crimes including illegal drugs, and substances, violence, theft, damage to College property, or bodily injury. In addition, our Campus police may also exercise this authority to bar a person from our property when, under the totality of circumstances, there is a reasonable suspicion that someone on our Campus is acting in a way indicating that they have engaged in, are

engaging in, or are about to engage in illegal activity. As the Supreme Court of the United States has held, in such situations, we can rely on the expertise and experience of our police officers to make those types of reasonable judgments.

This policy only seeks to clarify who may make "barring decisions" for the safety reasons briefly described above.

Accordingly, decisions to bar a person from Campus and/or from College owned or leased property may be made by the President, and by the following individuals: (a) each of the Executive Vice Presidents (on a non-delegable basis); (b) the Director of Public Safety or (c) General Counsel. In order to ensure that the reasons cited for the barring action are consistent with past practice and consistent with the valid exercise of First Amendment rights, all barring decisions (except for those made by police officers, as described immediately below) will be first reviewed by General Counsel.

When implementing this memorandum, the Director of Public Safety may delegate this authority to one or more of his/her patrol officers to be exercised in the event that the officer stops a person under circumstances that would rise to a reasonable suspicion of actual or imminent criminal conduct. Under those circumstances, an Officer may give such a person a barring notice in accordance with South Carolina law, Supreme Court decisions, and departmental policies. Prior approval of the General Counsel will not be needed when such circumstances are present.

Barring notices may be for a specific period of time or they may be for an indefinite period of time, subject to being lifted upon: (a) the application and demonstration by the barred person that s/he no longer presents a threat to the Campus community or other legitimate interest of the College; or (b) the presentation of satisfactory evidence that the barred person has met certain conditions for lifting the bar that were initially set in the notice when the barring action was first taken.

This policy is effective immediately.

Departments/Offices Affected by the Policy

All Departments

Procedures Related to the Policy

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Related Policies, Documents or Forms

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Issue Date:10/30/2009 Date of Policy Review:10/1/2020	Next Review Date:10/24/2025
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POLICY APPROVAL (For use by the Office of the Board of Trustees or the Office of the President)	
Policy Number: 8.1.4	
President or Chairman, Board of Trustees	 Date: 10/1/2020