

COLLEGE of
CHARLESTON
FOUNDED 1770

P. George Benson, President

October 30, 2009

MEMORANDUM TO: Beverly Diamond, Interim Provost and
Executive V. P. for Academic Affairs
Steve Osborne, Executive V.P. for Business Affairs
Mike Haskins, Executive V. P. for External Relations
Victor K. Wilson, Executive V. P. for Student Affairs
George P. Watt, Jr., Executive V.P. Institutional Advancement
Thomas A. Trimboli, Senior V. P. for Legal Affairs
Deni Mitchell, Sr. Executive Assistant
Joe Hull, Jr., Director of Athletics
Bob Cape, CIO of Information Technology
Paul Verrecchia, Chief of Public Safety
Tom Casey, Director of Human Resources
Deans

FROM: P. George Benson
President

PGB

SUBJECT: Policy on Excluding Individuals from College Property

The purpose of this memorandum is to identify those persons who have the authority to officially “bar” someone from the College Campus and/or from College owned or leased property. 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. I am advised that the failure to obey such a warning “without good cause or good excuse” is a crime.

The College has exercised this authority in the past to prevent persons from entering, remaining on, or returning to the Campus based upon a reasonable suspicion that the person may pose a threat to the person or property of one or more of our students, faculty members, or staff. We have also barred persons from returning to the Campus who have committed crimes involving College property or bodily injury. In addition, our Campus police have also exercised 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.

When exercising this authority, we have been and will continue to be mindful that this authority must not be exercised in a way to unfairly abridge First Amendment Rights, including the freedom of association. Nor would it be appropriate to bar someone from the Campus merely because we do not like the message associated with that person, or the content of whatever she/he may have to say. First Amendment rights and appropriate time, place and manner restrictions for the exercise of those rights, remain unchanged by this memorandum. This memorandum 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 me, as President, and by the following individuals: (a) each of the Executive Vice Presidents (on a non-delegable basis); or (b) the Director of Public Safety. 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 the Senior Vice President for Legal Affairs.

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 Senior Vice President for Legal Affairs 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 when the barring action was first taken.

This policy is effective immediately.

Suggestions for improving this policy may be submitted through the College with the *College’s Campus Wide Policy Making Procedures*.