



## OHSU POLICY MANUAL

**Policy Number:** 07-30-030

**Policy Title:** EXCLUSION FROM CAMPUS

**Effective Date:** May 18, 2018

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### 1. Purpose

For the safety and security of our patients, students, employees and visitors, and in order to foster an atmosphere and conditions in which OHSU's education, research, health care and community service missions can be carried out, individuals may need to be issued a temporary trespass warning or excluded entirely from OHSU owned or controlled facilities and/or property (collectively, "OHSU property").

### 2. Criminal Trespass Warning

A Criminal Trespass Warning is a temporary verbal or written warning requiring an individual to leave specified OHSU owned, leased, or operated property for a specified period (except for emergency medical care). Violation of a Criminal Trespass Warning may subject the individual to criminal prosecution for trespass.

A Criminal Trespass Warning may be issued whenever an individual's conduct or behavior threatens or interferes with the safety and security of any member of the OHSU community or environment, or the institution's business operations.

Criminal Trespass Warnings will be valid for 72 hours from time of issuance.

The Director of Public Safety may authorize a longer trespass period of up to 30 days based on articulable facts, such as ongoing risk to the institution. If more than 30 days is needed, an Exclusion Order should be evaluated.

### 3. Exclusion Order

An Exclusion Order is a formal written order requiring an individual to leave and/or not enter or return to OHSU property. Exclusions may be issued for a specified length of time and/or a specific area, multiple areas, or all OHSU property. An Exclusion Order is different than a Criminal Trespass Warning because of the seriousness or ongoing nature of the statements or conduct. An Exclusion Order requires an individual to leave OHSU property and not return for a specified period (except for emergency medical care). Violation of an Exclusion Order may subject the individual to criminal prosecution for trespass.

An Exclusion Order may be issued in the following circumstances:

- A. Statements or conduct indicating an individual poses a threat and/or danger to any member of the OHSU community (student, employee, patient, or visitor). Examples: threatening a student, employee, patient, or visitor with physical harm; conduct for which a stalking protective order has been issued.
- B. Statements or conduct indicating an individual poses a threat and/or danger to the business operations of OHSU or OHSU property. Examples: entering non-public areas of the OHSU campus without advance written permission; damaging or misappropriating OHSU property.
- C. Criminal conduct or behavior significantly disruptive to the missions of OHSU.

**4. Issuance of Trespass Warnings and Exclusion Orders**

The Department of Public Safety employees and Administrators on Duty may, at the request of a director or administrator or on their own volition, issue a Criminal Trespass Warning to any individual from OHSU Property.

The Vice President of Campus Safety, in consultation with the Vice President of Risk Management and the Director of Patient Relations, may issue an Exclusion Order.

Where the safety and security of the OHSU community, its business operations or any individual is not at imminent risk, when the person to receive a Criminal Trespass Warning or Exclusion Order is an OHSU student or employee, the Department of Public Safety shall consult with Legal and/or the Provost's office prior to issuing a Criminal Trespass Warning.

An individual subject to a Criminal Trespass Warning or an Exclusion Order is prohibited from entering OHSU Property for any purpose, except to receive emergency medical care.

**5. Length of Exclusion Order**

Each exclusion order shall be permanent, subject to the Appeal and Rescission processes below.

**6. Failure of Individual to Abide by Exclusion Order or Trespass Warning**

If an individual unlawfully enters the premises for which he or she has been excluded or issued a Criminal Trespass Warning, the Department of Public Safety and/or law enforcement agency of jurisdiction should be contacted immediately.

**7. Appeal of Exclusion Order**

Exclusion Orders may be appealed within five (5) business days either from the date (a) the return receipt showed the notice was accepted, refused or returned undeliverable; or (b) the notice was hand-delivered. All appeals of an Exclusion Order shall be made in writing to the Exclusion Administrator (as appointed by the Office of the Provost). The appeal process shall be described in the Exclusion Order.

Upon receipt of an appeal, the Exclusion Administrator will obtain information from the Director or Administrator who requested the exclusion order regarding the facts surrounding the exclusion, and will consider any evidence provided by the individual subject to the Exclusion Order.

After review of the appeal, the Exclusion Administrator will issue a written Final Order disposing of the appeal, which shall be delivered to the excluded individual by certified mail.

A copy of the Final Order will be copied to the affected department(s), the Patient Advocate Office, Risk Management and the Department of Public Safety. . The Patient Advocate Office will modify the exclusion flag in EPIC if needed.

**8. Rescission of Exclusion Orders**

Despite the limitations of the initial 5-day appeal period, upon application of the excluded individual, the Exclusion Administrator may rescind previously ordered exclusions upon a showing of good cause or a significant change in circumstance

Upon receipt of a rescission request, the Exclusion Administrator will obtain information from the Director or Administrator who requested the exclusion order regarding the facts surrounding the exclusion, and will consider any evidence provided by the individual subject to the Exclusion Order.

After review of the request, the Exclusion Administrator will issue a written Final Order disposing of the request, which shall be delivered to the excluded individual by certified mail.

A copy of the Final Order will be copied to the affected department(s), the Patient Advocate Office, Risk Management and the Department of Public Safety. The Patient Advocate Office will remove the exclusion flag in EPIC.

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**Related Regulations:**

**Oregon Revised Statute 164.205**

**Oregon Revised Statute 164.245**

**Related Policies and Procedures: Policy 07-30-020, Workplace Violence**

**Implementation Date: September 17, 2012**

**Revision History: December 21, 2015; May 18, 2018**

**Responsible Office: Public Safety**