

## **Part 7**

### **Colleges and Universities**

#### **76-8-701 Definitions.**

For the purposes of this part:

- (1) "Chief administrative officer" means the president of an institution of higher education or a person designated by the president.
- (2) "Enter" means intrusion of the entire body.
- (3) "Institution" or "institution of higher education" means:
  - (a) a state institution of higher education as defined in Section 53B-3-102; or
  - (b) a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.

Amended by Chapter 10, 2013 General Session

Amended by Chapter 257, 2013 General Session

#### **76-8-702 Purpose.**

It is the purpose of this part to:

- (1) supplement and clarify the power vested in the governing board of each institution of higher education; and
- (2) regulate, conduct, and enforce law and order on property owned, operated, or controlled by each institution of higher education.

Amended by Chapter 257, 2013 General Session

#### **76-8-703 Criminal trespass upon an institution of higher education.**

- (1)
  - (a) A chief administrative officer may order a person to leave property that is owned, operated, or controlled by an institution of higher education if the person:
    - (i) acts or if the chief administrative officer has reasonable cause to believe that the person intends to act to:
      - (A) cause injury to a person;
      - (B) cause damage to property;
      - (C) commit a crime;
      - (D) interfere with the peaceful conduct of the activities of the institution;
      - (E) violate any rule or regulation of the institution if that rule or regulation is not in conflict with state law; or
      - (F) disrupt the institution, its pupils, or the institution's activities; or
    - (ii) is reckless as to whether the person's actions will cause fear for the safety of another.
  - (b) A person is guilty of criminal trespass upon an institution of higher education if the person enters or remains on property that is owned, operated, or controlled by an institution of higher education after being ordered to leave under Subsection (1)(a).
  - (c) The mere carrying or possession of a firearm on the campus of a state institution of higher education, as defined in Section 53B-3-102, does not warrant an order to leave under Subsection (1)(a) if the person carrying or possessing the firearm is otherwise complying with all state laws regulating the possession and use of a firearm.

- (2) A person is guilty of criminal trespass upon an institution of higher education if the person enters or remains without authorization upon property that is owned, operated, or controlled by an institution of higher education if notice against entry or remaining has been given by:
  - (a) personal communication to the person by the chief administrative officer or a person with apparent authority to act for the institution;
  - (b) the posting of signs reasonably likely to come to the attention of trespassers;
  - (c) fencing or other enclosure obviously designed to exclude trespassers; or
  - (d) a current order of suspension or expulsion.
- (3) If an employee or student of an institution of higher education is ordered to leave under Subsection (1) or receives a notice against entry or remaining under Subsection (2), the institution of higher education shall afford the employee or student the process required by the institution of higher education's rules and regulations.
- (4) A person who violates this section shall be punished as provided in Section 76-8-717.

Repealed and Re-enacted by Chapter 257, 2013 General Session

**76-8-705 Willful interference with lawful activities of students or faculty.**

A person is guilty of a class C misdemeanor if, on property that is owned, operated, or controlled by an institution of higher education, the person willfully:

- (1) denies to a student, school official, employee, or invitee lawful:
  - (a) freedom of movement;
  - (b) use of the property or facilities; or
  - (c) ingress or egress to the institution's physical facilities;
- (2) impedes a faculty or staff member of the institution in the lawful performance of the member's duties; or
- (3) impedes a student of the institution in the lawful pursuit of the student's educational activities.

Amended by Chapter 257, 2013 General Session

**76-8-707 Assistance by local authorities.**

- (1) If, in the judgment of the chief administrative officer of any institution of higher education, or in the judgment of any officer or employee designated by him to maintain order on a campus or related facility, the law enforcement agency or security department of that institution lacks sufficient manpower to deal effectively with any condition of unrest existing or developing on a campus or related facility of the institution, he may call for assistance from the county sheriff of the county or any city law enforcement agency or from the Department of Public Safety.
- (2) Upon receipt of the request, the county sheriff, city law enforcement agency, or Department of Public Safety must render all necessary assistance without expense to the institution of higher education.
- (3) All personnel while rendering assistance shall serve under the general direction of the chief administrative officer of the institution or the officer or employee designated by him to maintain order on the campus or related facility.

Amended by Chapter 234, 1993 General Session

**76-8-709 Enforcement of laws by local agencies not limited.**

Nothing in this part shall limit:

- (1) the right or duty of any local law enforcement agency to enforce the law which it had prior to this enactment; or
- (2) the right of any state or local law enforcement agency to enforce the laws of this state.

Amended by Chapter 257, 2013 General Session

**76-8-716 Request for assistance from state and local law enforcement authorities.**

If, in the judgment of the chief administrative officer of any school or institution of higher education, his agent, or representative, the police or security department of that institution lacks sufficient manpower to deal effectively with any condition of unrest existing or developing on a campus or facility of the institution, he may request assistance from state and local law enforcement authorities. All state and local law enforcement officers while rendering assistance shall serve in co-operation with the chief administrative officer of the institution or his agent or representative and without expense to the institution.

Enacted by Chapter 196, 1973 General Session

**76-8-717 Violations -- Classifications of offenses.**

Except as otherwise provided, a person found guilty of a violation of this part shall be punished as follows:

- (1) upon the first and second conviction, the person is guilty of a class B misdemeanor; or
- (2) if the person has previously been convicted two or more times of a violation of this part, the person is guilty of a class A misdemeanor.

Amended by Chapter 257, 2013 General Session