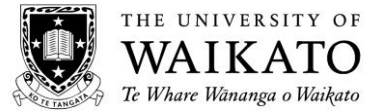


For more information see the [Trespass Act 1980](#) and the Police [trespass website](#).



The University of Waikato's campuses are, in a general sense, open to the public. At the same time, the University is committed to safeguarding the people who teach, learn, live, work and visit its campuses to ensure the safe operation of University activities and to protect University property and resources. From time to time, the University is obligated to deny access to University property where a person has committed an offence or is reasonably considered to be behaving in a disorderly manner. In such circumstances a formal trespass notice may be issued in accordance with the [Trespass Act 1980](#). A trespass notice warns the person to whom it is issued that they may be arrested if they remain on or subsequently enter the property specified on the notice. A person convicted of trespass may be liable for a fine and/or period of imprisonment.

This protocol sets out the process and authorities for the issue of trespass notices on behalf of the University of Waikato. For the purpose of this protocol the term **University property** means all indoor and outdoor spaces owned or leased by or from the University in Hamilton and Tauranga, including all buildings that constitute University of Waikato student accommodation.

WHAT IS A TRESPASS NOTICE?

A trespass notice is a formal warning under the Trespass Act 1980 to leave and/or otherwise stay off the property specified in the warning.

If the person to whom the notice is directed fails to leave and/or subsequently enters that property they will have committed an offence and may be arrested and prosecuted by the Police.

WHO CAN BE ISSUED WITH A TRESPASS NOTICE?

Any person who is or has been engaged in criminal activity or conduct reasonably considered to be threatening, disruptive or violent may be issued with a trespass notice.

A trespass notice may be issued when an individual's actions are considered to be a threat to the campus community, including but not limited to:

- acts of violence or threats of violence against persons or property
- behaviour that is persistent enough to alarm or disturb a reasonable person engaged in legitimate University business, or
- behaviour that is disruptive to the University community.

WHO CAN SEEK TO IMPOSE A TRESPASS NOTICE?

Any member of the University community, including the public, should contact Security Services if they believe that a person is engaging in behaviour that warrants their removal from University property and/or the issue of a trespass notice. Security Services staff are contactable by phone on **07 838-4444**, 24 hours per day, seven days per week. In an emergency, report the person to the Police by calling **111**.

WHO CAN ISSUE A TRESPASS NOTICE?

Authority to issue a trespass notice is delegated by the Vice-Chancellor to the Director of Facilities Management and the Security Manager. No other member of the University community may issue a

trespass notice on behalf of the University without the authority of the Vice-Chancellor.¹ The Police may issue a trespass notice but only with the permission of one of the authorities set out above.

When considering whether to issue a trespass notice, the Director of Facilities Management or Security Manager must take into accounting the following:

- the immediate and future risk posed by the person's continued presence
- the best interest of the students, staff and other members of the University community
- the orderly conduct of teaching, research and administration of the University
- the protection of the property or resources of the University
- if the person is a student, the potential effects of the trespass notice on their programme of study, and any other matters raised by the student, and
- any other matters considered appropriate in the circumstances.

▼ **WHAT MUST BE CONSIDERED WHEN ISSUING A TRESPASS NOTICE?**

- Care must be taken when determining and describing the area that the person is to be trespassed from. A person may be trespassed from part of a campus, e.g. a hall of residence, from an entire campus or from multiple campuses, depending on the nature of the threat; in the case of multiple campuses, each requires a separate trespass notice.
- A trespass notice will remain in force for two years unless rescinded by the University earlier.

▼ **HOW IS A TRESPASS NOTICE ISSUED?**

A trespass notice issued on behalf of the University can be delivered orally but must also be issued in writing, either delivered personally or by courier/post.

The Security Manager is responsible for preparing and serving the trespass notice. Three copies of the trespass notice are made:

1. The original, which is issued to the person being trespassed
2. A copy held by the Security Manager
3. A copy provided to the Police for entry into the Police records database.

▼ **REPORTING TRESPASS**

Any person known to be the subject of a current trespass notice who appears to have breached that notice must be reported to the Police on **111** immediately. Security Services staff must also be notified and are contactable by phone on **07 838-4444**, 24 hours per day, seven days per week.

▼ **REVIEW OF A TRESSPASS NOTICE**

It is standard practice that a trespass notice remains in effect for two years unless rescinded by the University earlier.

A person who has received a trespass notice may seek the rescinding of the notice by directing a request to the In-House Legal Counsel. The request must include:

- the reasons for the request
- an explanation for the conduct that precipitated the trespass notice
- a compelling basis for the desire to be able to access the University property trespassed from, and
- any other information the person wishes to be considered.

¹ *Miscellaneous Regulations*, University of Waikato Calendar.

The In-House Legal Counsel will consult as needed with other University staff to verify any need for access to University property, gather additional information or advice, or to review the impact that the appeal or review may have on those affected by the matter that led to the trespass being imposed. They may also consult with the person trespassed. The trespass notice remains in effect during and after the review process, unless modified or rescinded.

The review will be considered first and foremost in the context of the health, safety and security of the University community.

Normally, a determination on the request will be made and communicated in writing within thirty days.

CONTACTS

Security Services	07 838 4444	security@waikato.ac.nz
Security Manager	07 838 4180	mike.underwood@waikato.ac.nz
Acting Director of Facilities Management	07 838 4074	tony.kavanagh@waikato.ac.nz
In-House Legal Counsel		legal@waikato.ac.nz