



VISITORS ON RESIDENTIAL COLLEGE PREMISES

1 POLICY

- 1.1 The College Manager has primary responsibility for regulating the conduct of visitors on college premises.
- 1.2 The College Manager or college staff must not detain or attempt to detain any visitor on college premises as this is the responsibility of the police and/or security staff. However, the College Manager or college staff must ensure the safety and welfare of staff and students on college premises by employing protective behaviours that may include in extreme cases the restraint of visitors.
- 1.3 The Director will review any direction or order given by the College Board of Management when requested by the person subject to the direction or order.

2. BACKGROUND

All persons on the premises of a college, other than current students and college staff are considered to be visitors to the college.

Visitors on college premises should feel welcomed and the College Manager may assist visitors in their movements on college premises by providing them with general information or instructions.

3. RELEVANT LEGISLATION OR AUTHORITY

Restraining Orders Act 1997

4. PROCEDURES

- 4.1 The regulation of visitors on college premises must only occur to maintain the good order of the college , and in particular, to ensure the safety and welfare of persons on the college premises and to prevent or minimize damage to property that comprises or is located at the college premises.
- 4.2 All visitors participating in college activities involving children will be required to fill out a Confidential Declaration form unless the College Manager determines that this is not required (see appendix A).
- 4.3 The College Manager will exercise discretion in regulating the conduct of visitors through any one or more of the following options:
 - (i) providing general or specific *Directions* to visitors;
 - (ii) issuing an *Order* requiring a visitor leave the college premises for up to 24 hours;

- (iii) issuing a *Prohibition Order* prohibiting a person from entering the college premises for a maximum period of 60 days; and
 - (iv) contacting the police.
- 4.4 The College Manager will exercise discretion in determining whether to require visitors to state their names and addresses.
- 4.5 The College Manager must contact the police immediately when an incident involves threats of or actual violence to persons on the college premises.

DIRECTIONS ¹

- 4.6 A direction must only be given for one or more of the following purposes to:
- (i) manage and control the college and persons on the college premises;
 - (ii) to maintain good order on the college premises;
 - (iii) to ensure the safety and welfare of persons on the college premises; and
 - (iv) to prevent or minimise damage to property that comprises or is located at the college premises.
- 4.7 Where a College Manager makes directions that apply to visitors generally, it must be in writing. Where a College Manager makes a direction to a specific person it may be made either orally or in writing.

¹ A direction is an instruction from a College Manager that has a legal consequence.

4.8 The College Manager must record in writing any failure to comply with a direction. The record must include:

- (i) whether the non-compliance is related to a general or specific direction; and
 - (ii) the circumstances surrounding the incident, together with details of participants and witnesses to the incident.
- 4.9 The College Manager will exercise discretion in determining whether to refer a matter of non-compliance with a College Manager's direction to the local police. Before any such referral, the College Manager must communicate in writing to the person subject to the referral:
- (i) details of all incidents in which that person has not complied with directions; and
 - (ii) a warning that any further non-compliance with directions will be referred to the police (see appendix B).
- 4.10 When referring the matter to the local police, the College Manager must provide the police with copies of all notes, witness reports and correspondence relating to all incidents in which that person has not complied with directions.

ORDER TO LEAVE THE COLLEGE PREMISES ²

4.11 The College Manager must confirm a verbal order in writing (see appendix C). The order must only be made if the College Manager reasonably suspects that the person:

(i) has committed or is about to commit an offence at the college premises;

(ii) has used or is about to use threatening, abusive or insulting language, or threatening or violent behaviour towards any person on college premises;

(iii) has otherwise disrupted or is about to disrupt good order on the college premises;

(iv) has brought onto college premises an item that has been the subject of an order made under regulation 70 (1) of the *College Education Regulations 2000* and that is likely to:

disrupt good order on the college premises;

adversely affect the safety or welfare of persons on the college premises;
or

cause damage to property that comprises or is located on college premises.

(v) does not have good reason to be on the premises or a particular part of premises at the particular time.

4.12 The College Manager must keep a written record of a failure to comply with an order to leave college premises. The record must include the circumstances

² An order to leave the college premises is a verbal order issued by the College Manager to leave the college premises for a maximum period of 24 hours.

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surrounding the incident, together with details of participants and witnesses to the incident.

4.13 If there are subsequent breaches of the Board of Management's order, the Board will exercise discretion in determining whether to refer the matter to the local police for their attention. If a referral is made, the Board must provide the police with copies of all notes, witness reports and correspondence relating to all incidents in which that person has not complied with directions.

PROHIBITION ORDER ³

4.14 A prohibition order will only be made if the College Manager believes that:

(i) the person named in the order is likely to cause physical harm to or apprehension or fear in, another person when that other person is on the college premises; or

(ii) the person named in the order is likely to cause damage to property that comprises or is located at the college premises; and

- (iii) making a prohibition order is the most appropriate way of dealing with the matter.

4.15 Prior to issuing a prohibition order, the College Manager must consult with the local

manager of district operations about whether this is the most appropriate way of dealing with the matter.

4.16 If a prohibition order is issued, the College Manager must keep a written record of:

- (i) the circumstances surrounding the incident;
- (ii) the reasons why making a prohibition order is the most appropriate way of dealing with the matter; and
- (iii) details of participants, and witness statements relating to the incident.

4.17 The College Manager will exercise discretion in determining whether a prohibition order needs to be made subject to conditions, or subsequently needs to be varied or revoked. The order must be personally served on the person subject to the order (see appendix D).

4.18 A prohibition order cannot be issued against the following persons:

- (i) a student at the college ;
- (ii) a member of the teaching staff, officer or wages staff at a government college ;
- (iii) a contractor or a member of a contractor's staff working at the college ;
- (iv) any other person who gives instruction at the college ; and
- (v) any other person employed in the Education Department.

³ A prohibition order is an order issued by the College Manager to leave the college premises for a maximum period of 60 days. A failure to comply with a prohibition order is an offence under the *College Education Regulations 2000*.

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4.19 In reference to exemptions (ii) to (v) above, the College Manager must consider whether it is appropriate to request that police issue a misconduct restraining order under the provisions of the *Restraining Orders Act 1997* on behalf of the college .

REVIEW OF DIRECTION, ORDER AND PROHIBITION ORDER

4.20 A person subject to a direction, order or prohibition order, must be informed by the College Manager of the right to have the decision reviewed by the district director. Any direction, order or prohibition order in place remains in force until the review is completed.

Appendix B

(This letter is only to be used when a visitor persistently fails to comply with a general or specific direction issued by the College Manager based on one or more of the following purposes:

(i) to manage and control the college and persons on the college 's premises;

(ii) to maintain good order on the college 's premises;

(iii) to ensure the safety and welfare of persons on the college 's premises; and

(iv) to prevent or minimise damage to property that comprises, or is located at, the college 's premises).

NAME AND ADDRESS

Formal Caution Notice

On(date) at (time), you *(briefly describe the most recent incident, past incidents and specify at least one of the abovementioned grounds upon which the general or specific direction was issued)* on the grounds of the (College).

In accordance with regulation 69 of *College Education Regulations 2000*, you are ordered to comply with this direction*(specify the direction)*.

If you have urgent college business, you may arrange an appointment with me by contacting the college on (Tel.)

Please note that if you fail to comply with this direction I will be faced with no alternative but to refer the matter to the local police.

If you disagree with the decision I have made and would like to have it reviewed, this may be done by writing to the Director *(specify name and address)*.

CHAIRPERSON
COLLEGE BOARD OF MANAGEMENT

Date

Appendix C

This letter is only to be used when a visitor fails to comply with a verbal order issued by the College Manager to leave the premises.

The order must only be made in one or more of the following circumstances:

(i) the College Manager reasonably suspects that the person has committed or is about to commit an offence under any written law at the college 's premises;

(ii) the College Manager reasonably suspects that the person has or is about to use threatening, abusive or insulting language or threatening or violent behaviour towards any person on the college 's premises;

(iii) the College Manager reasonably suspects that the person has otherwise disrupted or is about to disrupt good order on the college 's premises;

(iv) the College Manager reasonably suspects that the person has brought onto college premises an item that has been the subject of an order made under regulation 70 (1) of the College Education Regulations and that is likely to:

disrupt good order on the college 's premises;

adversely affect the safety or welfare of persons on the college 's premises; or

cause damage to property that comprises or is located at the college 's premises;and

(v) the person does not have good reason to be on the premises or a particular part of premises at the particular time).

NAME AND ADDRESS

Confirmation of Order

On(date) at (time), you *(briefly describe the incident and specify at least one of the abovementioned grounds upon which the verbal order was issued)* on the grounds of the (College).

In accordance with regulation 75 of *College Education Regulations 2000*, you are ordered to leave the premises of the College , and remain away for a period of 24 hours.

If you have urgent college business, you may arrange an appointment with me by contacting the college on (Tel.)

Please note that if you breach this order I will be faced with no alternative but to refer the matter to the local police. If you disagree with the decision I have made and would like to have it reviewed, this may be done by writing to the Director *(specify name and address)*. However, this order remains in place until the decision has been reviewed.

CHAIRPERSON
COLLEGE BOARD OF MANAGEMENT

Date

Appendix D

(This letter is only to be used for a prohibition order for a maximum period of 60 days only if the College Manager is of the belief that unless the order is made the person would be likely to:

(i) cause physical harm to or apprehension or fear in, another person when that other person is on the college 's premises; or

(ii) cause damage to property that comprises or is located at the college 's premises; and

(iii) making a prohibition order is the most appropriate way of dealing with the matter.

There is an extensive list of persons who are exempted from a prohibition order. The order needs to be personally served and this may be done through a process server.)

NAME AND ADDRESS OF RESPONDENT

Prohibition Order

On(date) at (time), you *(briefly describe the incident and specify either criterion 1 or 2 above as the basis for the issuing of the prohibition order)* on the grounds of the (College).

In accordance with regulation 78, *College Education Regulations 2000*, you are prohibited (or restricted) from entering the premises of College for a period of days, commencing (Date).

This order is subject to the following conditions: (Specify) *or* If you have reason to visit the college during this period, you must first seek my permission before entering college rounds. Please note that if you breach this order I will be faced with no alternative but to refer the matter to the local police.

If you disagree with the decision I have made and would like to have it reviewed, this may be done by writing to the Director *(specify name and address)*. However, this order remains in place until the decision has been reviewed.

CHAIRPERSON
COLLEGE BOARD OF MANAGEMENT

Date