



**POLICY: 6HX28:10-02**

**Responsible Official:**

Vice President, Business Operations and Finance

**Policy Contacts:** Managing Director, Safety and Security

**Specific Authority:** 1001.64, F.S.

**Law Implemented:** 1001.64, F.S.

877.13, F.S.

871.01, F.S.

1006.6, F.S.

**Effective Date:** 09-12-2018

**Date of Last Policy Review:** 09-12-2018

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## Trespass Warning / Arrest

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**Policy**

**Statement:**

To maintain a safe, orderly, effective, and efficient workplace and academic environment, Valencia College may have reason to prohibit and/or remove an individual from Valencia College property, which includes all properties and facilities owned, leased or operated by Valencia. For the safety and welfare of all and to ensure continued operations, the College will work with local law enforcement officials to issue trespass warnings. In extraordinary circumstances it may be necessary for law enforcement to arrest individuals refusing to leave after being lawfully warned or return after being lawfully trespassed from Valencia College property.

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**Related Statutes, Rules, Policies, and Documents:**

Policy: 6Hx28:8-03, Student Code of Conduct 810.08, F.S.

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**Policy**

**History:**

Adopted 12-11-74; Amended 12-15-82; Amended 11-18-92; Amended 9-12-18; Formerly 6Hx28:04-35; Formerly 6Hx28:4-28

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## Procedures

### I. Applicability

Trespass warnings may be issued to individuals whether or not they have an affiliation with Valencia College, and who in the discretion of Valencia officials, have no legitimate business on campus; are acting in a manner of concern; are creating a disruption to the learning environment; are being criminally charged; or are engaged in any other conduct or circumstances warranting the issuance of a trespass warning as governed by law enforcement policies and Florida State Statute. These procedures may be implemented independently without reference to other college policies, but coordination with other policies, procedures and practices shall be facilitated as necessary and appropriate under the circumstances.

The following guidelines shall be used when the Security Department receives notice of activity on Valencia College properties or during college sanctioned activities that may constitute grounds for a trespass warning, as described in section 1(a) below.

A. Valencia Security Officers, along with local law enforcement officers when appropriate, shall investigate the circumstances and determine if the individual(s) has an affiliation with Valencia College; for example, is the individual a student, an employee or a visitor having legitimate reasons to be on Valencia College premises. Examples of legitimate visitation include but are not limited to parents or family members of students taking a tour, registering for classes, obtaining financial aid, purchasing books or study materials, etc. A trespass warning will be issued as a matter of last resort for individuals associated with the college.

1. Trespass warnings may be issued for students, employees or visitors under the following circumstances, in the discretion of the administrators identified below:
  - a) Having no legitimate business on Valencia property or at a college sanctioned activity; or
  - b) Arrest of an individual on Valencia property or during college sponsored activities; or
  - c) Criminal behavior or suspected criminal behavior occurring on Valencia College property or at college sponsored activities; or

- d) Behavior that is disruptive to the academic environment and/or the college community or destructive to real or personal property itself; or
- e) Behavior that does or may constitute a threat to the College community, including behavior that occurs off campus and has the effect of a material disruption to the operation of the College community.

Nothing herein shall be interpreted as overriding other college policies and processes relating to conduct on college property, including but not limited to Policy 6hx28: 5-02, Speech, Expression, and Commercial Activity on College Policy. The issuance of a Trespass Warning under this policy does not, by itself, constitute disciplinary action for students or employees as may be imposed under other applicable policies.

- 2. Active students shall only be trespassed with approval of the Assistant Vice President of Operations or the Managing Director of Safety and Security or their designees.
  - 3. Active employees shall only be trespassed with approval of the Vice President of Organizational Development and Human Resources, and either the Assistant Vice President of Operations or the Managing Director of Safety and Security or their designees.
  - 4. Visitors shall only be trespassed with approval of the Assistant Vice President of Operations, or the Managing Director of Safety and Security or their designees.
- B. When a decision has been made that the circumstances justify a trespass warning as described above, a Valencia College Security representative shall advise the individual(s) of Florida's criminal laws regarding trespass, as applicable, and boundaries of campus. This representative shall tell the individual(s), in sum and substance, that he/she is trespassed from all Valencia College properties, buildings, grounds and conveyances. The individual(s) shall be told to leave immediately and not return. These directives shall be given in the presence of the law enforcement officer.

From time to time, Valencia may give prior authorization to local law enforcement with jurisdiction over a particular campus or property to issue trespass warnings without the involvement of Valencia College Security during non-business hours. In such cases, the verbal trespass warning stated above shall be given by local law enforcement officers.

- 1. After a trespass warning has been issued by Valencia College Security, if the individual(s) refuses to leave or returns to College property after a

trespass warning has been issued, Valencia College Security officials may ask law enforcement officers to advise the individual(s) that he/she is trespassing in violation of Florida law, and must leave immediately, or he/she shall be arrested. Law enforcement officers may have the authority to arrest any individual, who after being lawfully warned, refuses to leave the property.

2. Upon issuing a trespass warning, Valencia Security Officers may ask the individual(s) to submit to being photographed. The individual has the right to refuse being photographed during trespass warnings. However, if the individual is being arrested, photographs may be taken (without consent) for purposes of documentation.

Valencia Security Officers shall complete an incident report documenting the encounter and issuance of the trespass warning to include the law enforcement case number, if applicable. Any written trespass warning issued by law enforcement shall be included in or attached to the incident report.

3. All trespass warnings are issued for a period consistent with law enforcement protocol applicable at the time of the trespass, with approval from the Assistant Vice President of Operations, or the Managing Director of Safety and Security. This period may be modified by the College in accordance with section 4 below.
4. If an individual is given a written invitation back to campus for official proceedings by one of following or their designees, the existing trespass warning is rendered null and void: Campus President; the Vice President of Organizational Development and Human Resources; the Assistant Vice President of Operations; the Managing Director of Security; Dean of Students. However, if it is in the best interest of Valencia College to continue prohibiting the individual(s) from being on Valencia College property, law enforcement will be contacted to initiate a new trespass warning. Consideration may also be given to conducting the meeting at a neutral location or via Skype.

Trespass warnings may be rescinded in rare circumstances and only by the authority of the Assistant Director of Security or designee for each respective campus under their authority. Rescission may be authorized upon the receipt of additional information that materially changes the College's determination that a trespass warning was or is now warranted and/or the presence of a bona fide administrative, academic, or educational need. The Assistant Director of Security granting permission

for the trespass warning to be rescinded shall coordinate such action with the Managing Director of Security, the Assistant Vice President of Operations and the Vice President of Student Affairs. Additionally, the respective Assistant Director of Security shall make all other necessary notifications.

**C. TRESPASS WARNING NOTICES ISSUED IN CONJUNCTION WITH OTHER PROCESSES**

Nothing herein shall affect the College's ability to remove individuals from its property through other existing policies providing the authority to do so. This expressly includes, but is not limited to, interim or permanent suspension or expulsion of students through the Student Code of Conduct 6Hx28:8-03; placement of employees on leave and/or the suspension or termination of employment under Disciplinary Action 6Hx28:3E-08; and Interim Protective Measures and/or Sanctions under Discrimination, Harassment and Related Misconduct 6Hx28:2-01. This policy may be utilized in conjunction with existing policies to the extent deemed appropriate by the relevant administrators.

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**Procedure History:** Adopted 09-12-2018

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**Last Date of Procedure Review:** 09-12-2018