

**SOUTH FLORIDA STATE COLLEGE  
ADMINISTRATIVE PROCEDURES**

**PROCEDURE NO.** 7051

**TITLE:** TRESPASSING AND LOITERING

**BASED ON POLICY:** 7.05 USE OF FACILITIES

**OFFICE OF PRIMARY RESPONSIBILITY:** VICE PRESIDENT FOR ADMINISTRATIVE SERVICES

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I. Purpose:

To provide a physical atmosphere that is conducive to the educational pursuits of our students and to provide the highest level of safety and security for the College community by providing procedures that will be utilized to eliminate trespassing and loitering and for the preservation of College property

II. Procedure:

A. Verbal notification of trespass

Any person who is violating or has violated the law, South Florida State College (SFSC) District Board of Trustees policies, and/or SFSC administrative procedures; is not using college facilities or equipment in an appropriate manner; is creating an atmosphere not conducive to the use of such facilities or equipment by other College persons or authorized guests; or is disrupting/interfering with the normal, orderly, peaceful, or efficient operations of the College may be immediately directed to leave College property or any other facility owned, operated, or controlled by the College.

In the event the person does not leave as requested, the College employee in charge of the program or area may notify campus security, and a campus security officer will respond to record the incident and notify the person verbally that he/she is trespassing—with the assistance of local law enforcement if necessary. If campus security is not available onsite, the campus/center administrator or designee may issue an official trespass notice verbally, with the assistance of local law enforcement if necessary. Such persons will be deemed to have no legitimate business on the campus or facility or any other authorization, license, or invitation to enter or remain. Should the trespasser return without authorization, the person shall be subject to prosecution for trespass as authorized by law, and local law enforcement shall be called to enforce the notice of trespass.

1. Students may be ordered out of a particular area/building, including a classroom, and would only be authorized to return if approved by the instructor, program manager, area dean, or dean, student services, depending on the severity of the matter.
2. Employees may be ordered out of a particular area/building and would only be authorized to return if approved by the director, human resources upon review of the incident leading to the order.
3. Visitors, guests, contractors, former students, former employees, or someone who is authorized by his or her employment to be on campus may be ordered out of a particular area/building and at that time would only be authorized to return if approved by an authorized College official.

#### B. Written notification of trespass

A No Trespass Order (NTO) is a written notice issued by an authorized College official that directs a person to leave, vacate, or stay away from College property or specified locations on College property for an established period of time and for the reasons stated. The NTO is in effect for the period indicated (it may be temporary), or if no specific period of time is indicated, it is indefinite and may only be lifted or revoked by the president or the vice president for administrative services after independent review or as a result of the trespass review process as set forth in this administrative procedure.

An authorized College official is an executive administrator (president or vice president), the dean, student services (for student matters), the director, safety and risk management, or the director, human resources (for employee matters).

#### C. Classroom attendance by students only

Only students registered for a class and those individuals contracted by the College as service providers for disability accommodation reasons may be in attendance in instructional areas unless permission of the professor/instructor is given. The professor/instructor, as the program manager responsible for the class, is authorized to notify non-students that they are trespassing and must leave the area of instruction. In the event the person does not leave as requested and/or if the professor/instructor decides the matter should be reported to campus security, the instructor may notify campus security and a campus security officer will respond to provide an official notice. Non-College persons are not allowed in classroom buildings unless present on authorized College business.

#### D. The Hotel Jacaranda (Jac) residence hall

The Hotel Jacaranda residence hall is considered to be the home of students. No one is allowed in the residence hall areas except the resident students, authorized College or SFSC Foundation, Inc. personnel, authorized contractors, and resident students' guests according to visitation policies. The coordinator, residence life or designee serves as the program manager for trespass violations.

#### E. Actions summary

Any and all incidents of trespass on any College property will be treated in a manner in accordance with this policy and Florida statutes.

1. A campus security officer or other authorized employee, upon investigation and confirmation of an alleged trespass, will issue a verbal trespass notice to the trespasser. The intruder will be given notice in the presence of a law enforcement officer if necessary.
2. The trespasser will be directed to leave the College property and to not return until approved to do so. The campus security officer or authorized employee will give instructions regarding future communications. Any refusal of the trespasser to adhere to the provisions will subject him/her to arrest by law enforcement officers.
3. A campus security officer or other authorized College official must complete and file an incident report with the director, safety and risk management within 48 hours of any trespass directive. The director, safety and risk management will coordinate and maintain a file of all communications between authorized College officials and persons directed to leave College facilities.

#### F. Trespass reviews and appeal process

1. Individuals issued a NTO have a right to file an appeal within 10 days from the issuance date of the NTO.
  - a. Initial trespass review (within 10 days from the issuance date of the NTO)

Any person who receives an NTO to leave, vacate, or stay away from College property (except those students who are issued NTOs as a sanction under the Student Code of Conduct which includes an internal process and appeal mechanism that is final) may request an "initial trespass review" for the reconsideration, modification, and/or revocation of the NTO. The request must be in writing (by email or U.S. mail) to the College employee stated in the NTO.

b. General Trespass Review (12 months from the date of the NTO)

Any person who receives an NTO may request a General Trespass Review once per year if requested within 30 days of the anniversary date of the trespass notice.

2. Process for both the initial and general trespass review

- a. Persons who were students at the time that they received the notice or warning to leave or vacate College property shall direct trespass review requests to the Office of the Dean, Student Services and non-students shall direct trespass review requests to the director, safety and risk management.
- b. The trespass review will be a review by the official or office as described in (a) above and will include other individuals as requested by that office. Members of the ad hoc trespass review committee may include representatives from student services, faculty, human resources, and anyone who was directly involved in the initial trespass issue. The makeup of the committee will be at the discretion of the appointing office.
- c. The ad hoc trespass review committee will review the submitted written request for review, including existing reports and records related to the matter. If requested, the appellant may bring legal representation or witnesses to the review meeting. The meeting may be recorded upon request.
- d. If the NTO is not changed, it remains in full force and effect.
- e. The decision of the ad hoc trespass review committee is final.

G. Nothing in the foregoing shall preclude or be interpreted to preclude or otherwise diminish the exercise of the statutory authority of the College resource deputy and/or law enforcement to arrest in accordance with the laws of this state any person for violation of state law or applicable ordinances when such violations occur on any property owned or leased by the College.

**HISTORY: Last Revised: 11/5/19**

**Adopted:** 01/16/18

**Reviewed:**

**Revised:** 11/5/19