

PENSACOLA STATE COLLEGE
MANUAL OF PROCEDURES

Procedure Title: Trespass Warning / Arrest	<u>Number</u> 116
Related Policy: Facilities and Equipment (Use of) – 6Hx20-1.015	<u>Page</u> Page 1 of 3

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

I. Applicability

Trespass warnings may be issued to individuals whether or not they have an affiliation with Pensacola State College, and who, in the discretion of College 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 Statutes. 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 Pensacola State College Police Department receives notice of activity on College properties or during college-sanctioned activities that may constitute grounds for a trespass warning, as described in section 1(a) below.

- A. Pensacola State College Police Officers, along with local law enforcement officers when appropriate, shall investigate the circumstances and determine if the individual(s) has an affiliation with Pensacola State College; for example, is the individual a student, an employee or a visitor having legitimate reasons to be on Pensacola State 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 Pensacola State property or at a College sanctioned activity; or

- (b) Arrest of an individual on Pensacola State property or during College-sponsored activities; or
- (c) Criminal behavior or suspected criminal behavior occurring on Pensacola State 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; or

Nothing herein shall be interpreted as overriding other College policies and procedures relating to conduct on College property, including but not limited to, Procedure 141, Regulation of Outdoor Public Speaking. 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, active employees, and visitors shall only be trespassed with the approval of the President, Vice President of Administrative Services and General Counsel, or the Chief of Police.
- B. When a decision has been made that the circumstances justify a trespass warning as described above, a Pensacola State College Police Officer or a law enforcement officer from a local agency shall advise the individual(s) of Florida's criminal laws regarding trespass, as applicable, and the boundaries of campus. This officer shall tell the individual(s) that they are trespass warned from all Pensacola State College properties, buildings, grounds, and conveyances. The individual(s) shall be told to leave immediately and not return. From time to time, Pensacola State College may give prior authorization to local law enforcement with jurisdiction over a particular campus or property to issue trespass warnings without the involvement of Pensacola State College Police Officers 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, if the individual(s) refuses to leave or returns to College property after a trespass warning has been issued, Pensacola State College Police Officers will 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 have the authority to arrest any individual, who after being lawfully warned, refuses to leave the property.
 2. Upon issuing a trespass warning, Pensacola State College Police 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. Pensacola State College Police 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 President, Vice President of Administrative Services and General Counsel, or Chief of Police. 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 the following, the existing trespass warning is rendered null and void: President; Vice President of Administrative Services and General Counsel; Vice President of Academic and Student Affairs; Vice President of Business Affairs; Executive Director of Equal Opportunity Compliance; Director of Student Conduct; or Chief of Police. However, if it is in the best interest of Pensacola State College to continue prohibiting the individual(s) from being on Pensacola State College property, law enforcement will be contacted to initiate a new trespass warning at the conclusion of the proceedings. Consideration may also be given to conducting the meeting at a neutral location or via Zoom. When one of the individuals designated in this section allows a party to return to campus, that individual will notify the Chief of Police so that Police Department records can be updated to reflect the termination of the trespass warning.

Trespass warnings may be rescinded in rare circumstances and only by the authority of the President, Vice President of Administrative Services and General Counsel, or Chief of Police. 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.

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; placement of employees on leave and/or the suspension or termination of employment under disciplinary action; and interim protective measures and/or sanctions under discrimination, harassment or related misconduct. This procedure may be utilized in conjunction with existing policies and procedures to the extent deemed appropriate by the relevant administrators.

Responsible Official: Vice President, Administrative Services and General Counsel

President's Signature:

Date: 8/27/2024

