

**THE UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED REGULATION**

REGULATION TITLE:

UWF/REG - 5.020 *Trespass and Access to University Property*

SUMMARY: This is a new regulation which would replace a policy with similar content. Because this regulation regulates individuals who are not students or employees of the University it is regulation format rather than policy format.

This regulation classifies the various individuals who might come onto campus as University Students, University Community Members and Non-University Persons for purposes of describing the rights of each group to be on or in certain locations on campus depending upon the purpose of each location. This regulation explains conditions under which an individual might receive a trespass warning. The regulation also provides an appeal mechanism and a mechanism through which an individual may seek to have the trespass warning lifted.

AUTHORITY: Sections 1001.706(7)(b) and 1012.97, Florida Statutes; Board of Governors Regulation 1.001(3)(1),(7)(g).

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION

AMENDMENT: Kevin Bailey, Vice President of Student Affairs

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION

IS: Anita Schonberger, Associate General Counsel at aschonberger@uwf.edu, 474-3420 (tel), 850-857-6058 (fax), or 11000 University Parkway, Pensacola, Florida 32514. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before Friday, May 23, 2014.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES

WEBSITE IS: May 8, 2014. THE DATE THIS NOTICE WAS PUBLISHED IN

“@UWF”: May 8, 2014.

THE FULL TEXT OF THE PROPOSED REGULATION AMENDMENT IS SET FORTH BELOW:

University of West Florida Regulation

UWF/REG. 5.020- Trespass and Access to University Property

Purpose: To designate the University of West Florida’s Police Department to enforce trespass warnings and arrests on University of West Florida properties, to provide a clear process for the issuance and appeal of trespassing warnings and to clarify access to University Property.

1. The University of West Florida is committed to providing an orderly and safe environment for its faculty, staff, students, and visitors. Visitors and guests are welcome on the University of West Florida campus as authorized by this regulation. The University of West Florida's Police Department and its officers are authorized to communicate a trespass warning.
2. Definitions for the Purposes of this Regulation:
 - a. University Students: includes all persons enrolled at the University of West Florida, either full-time or part-time, degree seeking or non-degree seeking.
 - b. Community Members ("University Persons"): Those persons who are faculty, staff, other employees, volunteers or agents of the University, and persons on University property fulfilling contractual obligations with the University or authorized members of registered University organizations.
 - c. Outside University Community ("Non-University Persons"): All other persons who are not classified above as University Students or University Community Members including, but not limited to, individuals who are admitted but not enrolled, visitors, invited guests, job applicants, students of other institutions and employees of other entities, and persons who have applied but have not been admitted to the University, and anyone else not meeting the definition of University Student or Community Member.
 - d. Authorized University Business: Activity which furthers the mission and purpose of the University and which has been approved by the appropriate University officials.

- e. University Property: All campuses and centers operated by the University, including all buildings and grounds of such campuses and centers; and all locations, buildings, or grounds utilized by the University for authorized University business.
 - f. Common Areas: University property generally open to non-University persons including, but not limited to, the library, food service areas, bookstore/retail areas, theater, and specific sports areas. These areas are considered common areas only at the times they are open to the public.
 - g. Trespass Warning: A document issued by a designated University authority providing notice against entering or remaining in or on University property.
3. Non-University persons are allowed to use the common areas of the University during normal business hours and are allowed to attend lectures, plays and other activities on University property when such attendance is permitted by the sponsoring organization or open to the public. Non-University persons are permitted in non-common areas of the University, including offices and administrative areas only when expressly invited or on authorized University business.
 4. University students may access all common areas of the University and other University property open and available to students for authorized University business. Only University students registered for a class may attend that class unless express permission of the instructor is granted.
 5. University persons may access all common areas of the University and other campus areas open and available to University persons for authorized University business.

6. Except as noted below, athletic, intramural and recreational facilities are for the use of University students, University persons and their authorized, invited guests.
Identification may be requested for the use of these facilities. If a guest is not accompanied by the University Student or University person, he/she may be asked to leave. Refusal to do so may result in a trespass warning.
 - a. University tennis courts, outdoor track, and cross country trails are open for public use when not in use for intercollegiate athletics, intramural programming, or academic instruction. Non-university persons may be asked to leave to accommodate priority use of these facilities. Refusal to do so may result in a trespass warning
7. No person is permitted in a residence hall except authorized University persons, resident University students, and resident University students' invited guests in accordance with University Housing visitation and guest policies. Identification may be requested for entry to and use of these facilities. Resident University students must accompany their guests at all times. If a guest is left unaccompanied, he or she will be asked to leave. A guest's refusal to leave may result in a trespass warning.
8. Any person on University property who, in the sole discretion of the President, designee or the University Police Department, is violating or has violated the law, is violating or has violated any University regulation or policy or whose continued presence may adversely affect the health, safety, and welfare of the University Community, or who is prowling or loitering, not using University facilities in an appropriate manner, obstructing traffic or impeding entry or exit, damaging property, creating hazardous or unsafe conditions, disrupting University operations, making threats toward any person or

University property whether implied or express, or who is creating an atmosphere not conducive to the use of such facilities by others, may be directed to leave the property and/or issued a trespass warning by the University.

9. Violation of a trespass warning may result in arrest and appropriate criminal prosecution.

(10) Appeals.

- a. A trespass warning may be appealed. The trespass warning will remain in effect during the course of the appeal process. An individual wishing to appeal the warning must file a written appeal with the University Police Department within (14) fourteen calendar days of the date of issuance of the trespass warning. The written appeal should include: the name of the person appealing, the reason for person's presence on campus, the reason the person was issued the warning, the reason the person believes the warning was issued in error and the name of the issuing employee. The appeal will be reviewed by the Chief of Police or designee. The decision of the Chief of Police or designee will be provided to the person appealing within (14) fourteen calendar days after the submission of the written appeal.
- b. Individuals not satisfied with the result of the appeal to the Chief of Police, may proceed to the next level by filing a written appeal with the Vice President for Student Affairs, within fourteen calendar days of being informed of the decision of the Chief of Police. The person appealing should submit a detailed written statement of the basis for the appeal explaining why the decision of the Chief of Police was in error, and provide any relevant documents, photos, witness statements, data or other items to be considered.

- c. After receiving the written appeal, the Vice President for Student Affairs, or designee may: 1) request additional information or documentation from any involved party for further consideration; 2) schedule a meeting with the parties involved; or 3) uphold, reverse or modify the notice or trespass warning based on the information received.
 - d. The trespass warning shall only be invalidated or modified by the reviewing official if, in his/her sole discretion, the requesting individual has shown, by clear and convincing evidence, that the underlying reason for the trespass warning did not occur or does not warrant the trespass warning as it was issued.
 - e. The Vice President for Student Affairs or designee will notify the person appealing of his/her decision within (14) fourteen calendar days. The decision of the Vice President for Student Affairs or designee is the final decision of the University and may not be appealed.
10. Reconsideration. A trespass warning may remain in full force and effect for up to one year. A request for reconsideration may be made in writing no more than once every six months from the first issuance. The trespass warning may only be lifted after reconsideration by the Chief of Police, or designee. Persons subject to trespass warnings shall direct reconsideration requests to the Chief of Police. Reconsideration shall only be granted by the reviewing official if, in his/her sole discretion, the requesting individual has shown, by clear and convincing evidence, that the underlying reason for the trespass warning is no longer a concern and no other reasons exist to keep the trespass warning in force. The passage of time, in and of itself, shall not serve as a basis for revoking the trespass warning.

11. Nothing in the foregoing shall preclude or be interpreted to preclude or otherwise diminish the exercise of the statutory authority of University Police officers to arrest in accordance with the laws of this state any person for violation of state law applicable county or city ordinances when such violations occur on any property or facilities which are under the jurisdiction of the University Police.

Authority: Board of Governor's Regulation 1.001; Sections 1001.706(7)(b) and 1012.97, Florida Statutes. *History:* New 6/12/14.