

USF System USF USFSP USFSM

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Title: No Trespass and Loitering
Responsible Office: Administrative Services

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(1) General

The President, as the Chief Executive Officer of the University of South Florida System (USF System or University) and the Chief Administrative Officers* at USF System Institutions have the responsibility for the operation and administration of their campuses and facilities. The President and those Administrative Officers have designated the University Law Enforcement officers (University Law Enforcement) to provide for the safety and security of their individual institutions and campuses. University Officials and University Law Enforcement may request individuals to leave or vacate the premises. Designated Personnel and University Law Enforcement may issue No Trespass Orders (NTO) as set forth in this Regulation. *(As each USF System Institution has unique characteristics and offices, "Administrative Officer" and "University Law Enforcement" may be different on each USF System Institution and the specific titles and offices may change. Contact the Chief Student Affairs Officer or University Law Enforcement Office at the applicable USF System Institution for the most current titles and contact information.)

(2) Definitions

(a) **Authorized University Business:** Activity which furthers the mission and purpose of the USF System and business that has been approved by the appropriate University Officials.

(b) **Designated Personnel:** Persons identified by the President as having the authority to issue a No Trespass Order (NTO).

(c) **No Trespass Order (NTO):** A No Trespass Order (NTO) is a written order issued by the University Law Enforcement office responsible for the applicable USF System Institution or campus security and will direct a person to leave, vacate or stay away from USF System property or

offices. 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, the Vice President responsible for facilities on the individual USF System Institution, the Chief Student Affairs Officer, or their respective designees, after independent review or as a result of the Student Conduct Process or Trespass Review process as set forth in this Regulation.

(d) **Non-University Persons:** All other persons who are not classified above as University persons.

(e) **University Facilities:** All campuses and centers operated by the USF System, including all buildings and grounds of such campuses and centers; and all locations, buildings, or grounds utilized by the USF System for Authorized University Business.

(f) **University Law Enforcement:** The designated office at each USF System institution vested with the responsibility of maintaining and addressing the safety and security of each USF System Institution.

(g) **University Officials:** Employees of the USF System responsible for the control, supervision or operation of a building, classroom, or USF System property. This includes building managers, facility managers, administrators, instructors, or other persons in a position of responsibility of the area in question.

(h) **University Persons:** Those persons who are current faculty, administration, staff, students or temporary employees of the USF System, and those persons who are in or on University Facilities to fulfill contractual obligations.

(3) Applicability

Any person who, in the opinion of University Officials, is violating or has violated the law, USF System regulations or policies, or is prowling, loitering, or is not using University Facilities in an appropriate manner or who is creating an atmosphere not conducive to the use of such facilities by other University Persons or authorized guests, may be immediately (1) reported to University Law Enforcement to enable University Law Enforcement to address the situation and/or request the person leave the premises; or (2) directed to leave the USF System property by the University Official. In the event the person does not leave as requested by either University Law Enforcement or the University Official, University Law Enforcement may respond by providing an official warning and/or issuing a NTO.

(4) Non-University Persons on USF System Property

Non-University Persons are allowed access to University Facilities available to the public, during normal business hours and in accordance with USF System protocol, guidelines or regulations governing the use of University Facilities. Non-University Persons are allowed to attend lectures, plays, and other activities on the USF System campus in the designated buildings or areas when such attendance is permitted by the sponsoring organization. Access to facilities may also be permitted to Non-University Persons in order to conduct official University business. Non-University Persons are not allowed on campus except as authorized by this Regulation. University Law Enforcement may request a person leave the property or may issue an NTO to any Non-University Persons at University Facilities for other than Authorized University Business or whose current conduct or reported conduct is deemed to present a threat to the orderly conduct of the USF System. University Officials have the authority to request those Non-University Persons to leave the University facility or premises. In the event the person does not leave as requested and/or if the University Official decides the matter should be reported to the University Law Enforcement, the University Official may notify University Law Enforcement who may respond to provide an official warning and/or issue an NTO.

(5) Classroom Attendance by Students ONLY

Only students registered for a class and those individuals contracted by USF System institutions as service providers for disability accommodation reasons may be in attendance in instructional areas unless permission of the instructor is given. The instructor, as the designated University Official 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 University Official decides the matter should be reported to the University Law Enforcement, the University Official may notify University Law Enforcement who may respond to provide an official warning and/or issue an NTO. Non-University Persons are not allowed in classroom buildings unless present on Authorized University Business.

(6) Residence Halls

Residence halls are considered to be the home of students. No one is allowed in a residence hall except authorized USF System personnel, resident students, individuals contracted by USF System

Institutions as service providers for disability accommodation reasons and resident students' guests according to published visitation policies.

(7) Library

The University Official at each USF System Institution vested with oversight of the Library or his/her designee is authorized to warn those Non-University Persons, who are not using the library in an appropriate manner or who are creating an atmosphere not conducive to its use by University personnel, that they must leave the campus and/or an immediate report will be made to University Law Enforcement for appropriate action under this Regulation.

(8) Identification

Identification may be requested of persons seeking to access and/or use University Facilities.

(9) Trespass Reviews and Process

The type of Trespass Review is determined by the status of the person subject to an NTO and the circumstances of the issuance of the NTO.

I. Students: Students that receive an NTO at the conclusion of the full student conduct process have no right to appeal the NTO as the student conduct process has several review steps which result in a final university decision. Students that receive an NTO outside of the student conduct process may request a review of the NTO by initiating the student conduct review process by contacting OSRR (or conduct office at the USF System Institution) and requesting a review within 10 days of receipt of the NTO or the UP may refer the NTO and student conduct to OSRR and OSRR will initiate the process. As the NTO may restrict a student from classes, OSRR will make every effort to schedule a review the next day classes are in session following the issuance of the NTO. After review, OSRR may continue the NTO by issuing a Provisional Suspension or request Law Enforcement to lift the NTO until the conclusion of the Student Conduct Process.

II. Any University Person Any University Person (except students that receive an NTO after the conclusion of a student conduct review process as detailed above) who receives an NTO to leave, vacate or stay away from USF System property or offices may request an "Initial Trespass Review" for the reconsideration, modification, and/or revocation of the NTO. The request must be in writing (by e-mail or U.S. Mail) within ten (10) days of the date of the NTO or at such time as the person has changed his or her status with regard to being a University Person (i.e.

admission or employment by the USF System). Non-University Persons may not request this Initial Trespass Review. The Trespass Review Process is detailed in section III below.

III. University Persons or Persons (non-students are entitled to a review of an NTO under the Student Conduct Code): University persons at the time the NTO was issued may request the Initial Review described above. All persons may request a one General Trespass Review *after a 12-month period*. University Persons may make additional review requests once every twelve (12) month period. Trespass review requests (Initial or General) shall be directed to the Chief Security/Safety officer, or his/her designee, responsible for facilities or safety at the designated USF System Institution. The title of the person vested with oversight of student affairs and facilities/safety may be different at specific USF Institution Institutions.

A Trespass Review will be a review by a committee appointed by the applicable office as described above and will include three individuals as requested by that office. Recommended members of the committee are representatives from the Offices of the University Law Enforcement, Student Rights and Responsibilities, Academic Affairs, Human Resources or Facilities and Planning. However, the makeup of the committee will be at the discretion of the appointing office. The Trespass Committee will review the submitted written request for review and the existing USF System record unless the committee or office vested with the authority to conduct the Trespass Review initiates a request for additional materials.

The Committee shall make a recommendation within three (3) weeks of receipt of the written request for the Trespass Review to the student affairs or facilities/safety office. The student affairs or facilities/safety office shall notify the person of the final determination by either e-mail or U.S. Mail within a reasonable time from the date of the committee recommendation.

If the NTO is not changed, it remains in full force and effect. Non-University Persons shall have only one opportunity for review. A University Person may make an additional request for Trespass Review no more than once every twelve (12) months.

(10) All persons who have been notified by an authorized University Official to leave and remain out of a specified area or areas, either verbally or by NTO, who are subsequently found in the specified area or areas are subject to arrest for trespass and/or loitering without further warning pursuant to law.

(11) Nothing in the foregoing shall preclude or be interpreted to preclude or otherwise diminish the exercise of the statutory authority of University 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 or facilities which are under the jurisdiction of University Law Enforcement.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001; Chapter 810, F.S., 1012.97, F.S.

History-New (BOT approval) 3-17-11, Amended 11-22-16 (technical), 6-13-17 (technical).

Certification: The USF System certifies that it has followed the Florida Board of Governors Regulation Development Procedure and has a record of written notices, comments, summaries and responses as required.