



POLICY: 6HX28:10-02

Responsible Executive:

Vice President, ~~Business Operations and~~
~~Chief Financial Officer~~ Student Affairs

Policy Contacts: AVP, Campus Safety and
Services; Managing Senior Director, Safety
~~and &~~ Security

Specific Authority: 1001.64, F.S.

Law Implemented: 1001.64, F.S.;
810.08, F.S.; 877.13, F.S.; -871.01, F.S.;
1006.6, F.S.

Effective Date: ~~09-12-2018~~ 03-13-2025

Date of Last Policy Review: ~~09-12-2018~~ 03-13-2025

Trespass Warning / Arrest

Policy

Statement:

- I. 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, as may be appropriate. 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.
- II. The College President or designee(s) may establish procedures in accordance with applicable laws, rules and College policies and procedures, to implement this policy.

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

College Policy 6Hx28: 2-01 Discrimination, Harassment and Related Misconduct

College Policy 6Hx28: 3D-02 Leaves of Absence

College Policy 6Hx28: 3E-08 Disciplinary Action

College Policy 6Hx28: 5-02 Speech, Expression, and Commercial Activity on College Property

Policy

History:

Adopted 12-11-74; Amended 12-15-82; Amended 11-18-92; Amended 9-12-18; Amended 03-13-2025;
Formerly 6Hx28:04-35; Formerly 6Hx28:4-28

Procedures

Note: See Appendix A: Definitions for a full list of relevant definitions.

I. Applicability

Under the direction of College officials, trespass warnings may be issued by law enforcement personnel to individuals under the following circumstances, regardless of whether or not they have an affiliation with Valencia College (“College”); and who in the discretion of Valencia officials

- A. ~~, have~~ Having no legitimate business on ~~campus~~ College property or at a College sanctioned activity;
- B. Arrest of an individual on College property or at a College sponsored activity(ies);
- C. Criminal behavior or suspected criminal behavior occurring on College property or at a College sponsored activity(ies);
- D. Behavior that is disruptive to the learning environment and/or the College community or destructive to real or personal property, which may include, without limitation, conduct or behavior that violates College policies and/or procedures;
- 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; and/or ~~are acting in a manner of concern; are creating a disruption to the learning environment; are being criminally charged; or~~
- F. ~~are engaged~~ Engaging in any other conduct or circumstance(s) warranting the issuance of a trespass warning as governed by applicable state and local laws, rules, and regulations ~~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.~~

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

A. Valencia Security Officers, ~~together along~~ with local law enforcement officers when appropriate, shall investigate the circumstances and determine ~~whether if~~ the individual(s) has an affiliation with ~~Valencia the~~ College; for example, ~~ifs~~ the individual ~~is~~ 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 ~~e~~College if other attempts at resolution are not successful.

B. Nothing herein shall be interpreted as inconsistent with overriding other ~~C~~college policies and processes relating to conduct on ~~e~~College property, including but not limited to College Policy 6Hx28: 5-02, Speech, Expression, and Commercial Activity on College ~~Property~~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.

1. Active Enrolled students shall only be trespassed with approval of the Assistant Vice President of Campus Safety and Services Operations or the Managing Senior Director of Safety and Security, or their designees.
2. Active employees shall only be trespassed with approval of the Vice President of Organizational Development and Human Resources, in collaboration with and either the Assistant Vice President of Campus Safety and Services Operations, ~~or~~ the Managing Senior Director of Safety and Security, or their designees.
3. Visitors shall only be trespassed with approval of the Assistant Vice President of Operations Campus Safety and Services, ~~or~~ the Managing Senior Director of Safety and Security, or their designees.

C. When a ~~decision determination~~ has been made that the circumstances justify a trespass warning as for the reason described above in Procedures Section I., a ~~Valencia~~ College Security representative shall ~~advise the individual(s) of:~~

1. Advise the individual(s) of Florida's criminal laws regarding trespass, as applicable, and boundaries of campus(es);

- ~~2. This representative shall tell the individual(s), in sum and substance, that he/she is trespassed from all Valencia~~ Advise the individual(s) which College properties, buildings, grounds, and conveyances they are trespassed from entering or remaining;
- ~~3. The individual(s) shall be told to leave~~ Direct the individual to leave College property immediately; and
4. Advise the individual(s) who to contact if they have questions about the trespass warning and not return. These directives shall be given in the presence of the law enforcement officer.

~~A.D. From time to time, Valencia~~ On occasion, the 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 ~~Valencia~~ College Security during non-business hours.- In such cases, the verbal trespass warning stated above in Procedures Section II. C. shall be given by local law enforcement officers.

- ~~1. After a trespass warning has been issued by Valencia College Security, if the~~ If an individual(s) refuses to leave or returns to College property after a trespass warning has been issued, ~~Valencia~~ College Security officials may ask-cooperate with law enforcement officers to advise the individual(s) that ~~he/she is~~ they are in violation of the warning trespassing in violation of Florida law, and must leave immediately, or ~~he/she~~ they shall be arrested. Law enforcement officers may utilize their have the authority to enforce the warning including arresting any individual, who after being lawfully warned, refuses to leave the property.

~~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.~~

2. College 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.
 - a. College Security Officers may photograph the individual(s) being trespassed for future identification.

- ~~2.3.~~ 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 Campus Safety and Services Operations, or the Managing Senior Director of Safety and Security.- This period may be modified by the College in accordance with Procedures Ssection I. D. 4. below.

~~3.4.~~ If an individual who has been trespassed 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~~Provost; the Vice President of Organizational Development and Human Resources; the Assistant Vice President of Campus Safety and Services Operations; the Managing Senior Director of Safety and Security; ~~or Dean of Students~~the Assistant Vice President of Holistic Support. However, if it is in the best interest of ~~Valencia~~the College to continue prohibiting the individual(s) from being on ~~Valencia~~College property after they have been invited back to campus, law enforcement will be contacted to initiate a new trespass warning. Consideration may also be given to conducting ~~the meeting~~official proceedings at a neutral location or via Skypean online meeting platform (e.g., Teams, Zoom, etc.) that would not affect the trespass warning. Any modifications from the original trespass warning should also be updated in the original incident report.

5. 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 granted upon the receipt of ~~additional~~ information that materially affects 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 for rescission.- The ~~Assistant~~respective Director of Security granting ~~permission for the trespass warning to be~~ the rescission~~rescinded~~ shall coordinate such action with the Managing Senior Director of Safety and Security, the Assistant Vice President of Campus Safety and Services Operations, and the Vice President of Student Affairs. Additionally, the respective ~~Assistant~~ Director of Security shall make all other ~~necessary~~appropriate notifications and coordinate the revision of the incident report with updated information.

B. 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 and this

policy may be utilized in conjunction with other existing policies to the extent deemed appropriate by the relevant College official.- This expressly includes, but is not limited to:

1. Students:

- a. interim Protective Measures and/or Sanctions under College Policy 6Hx28: 2-01 Discrimination, Harassment and Related Misconduct (as applicable);
- b. interim action where there is evidence that the continued presence of a student(s) pose(s) a substantial and immediate threat to themselves, others, or the stability and continuance of normal College functions;
- c. sanction(s) up to and including ~~or permanent suspension or~~ expulsion of a student(s) through the in accordance with College Policy 6Hx28: 8-03 Student Code of Conduct 6Hx28:8-03;

2. Employees:

- a. interim Protective Measures and/or Sanctions under College Policy 6Hx28: 2-01 Discrimination, Harassment and Related Misconduct (as applicable);
- b. placement of employees on ~~an administrative leave of absence in accordance with College Policy 6Hx28: 3D-02 Leaves of Absence;~~ and/or ~~the suspension or termination~~
- c. disciplinary action up to and including dismissal of employment under College Policy 6Hx28: 3E-08 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.~~

Procedure History: Adopted 09-12-2018; Amended 03-13-2025

Last Date of Procedure Review: ~~09-12-2018~~03-13-2025

Appendix A: Definitions

<u>Term</u>	<u>Definition</u>
<u>College</u>	<u>The term “College” means Valencia College.</u>
<u>College Community</u>	<u>The term “College community” includes any individual who is a professor, staff, administrator, student, registered student organization, student</u>

	<u>employee, volunteer, and visitor.</u>
<u>College or Security Official</u>	<u>The term “College official” or “Security Official” includes any individual employed by the College performing assigned administrative or professional responsibilities (e.g., staff, administrator)</u>
<u>College Property</u>	<u>The term “college property” includes all land, buildings, facilities, and other property, including adjacent streets and sidewalks in the possession of or owned, used, or controlled by the College or in partnership with other institutions, businesses, and/or companies.</u>
<u>Designee</u>	<u>The term “designee” refers to any individual appointed by the appropriate authority (i.e., Senior Director of Safety and Security) to act on their behalf.</u>
<u>Learning Environment</u>	<u>An environment that uses any instructional modality (e.g., face to face, online, mixed-mode) or other virtual or physical location that the syllabus or instructor designates as a learning space. This includes and is not limited to multimedia platforms.</u>
<u>Student</u>	<u>Any person admitted, enrolled, or registered for any College program, regardless of the medium of the program, or degree-seeking status, or when not enrolled or registered for a particular term, who is eligible to enroll in future terms without seeking readmission.</u>
<u>Trespass Warning</u>	<u>A warning or notice that an individual is not authorized to be on College property, or portion thereof, and may be subject to arrest, criminal sanction, and/or civil penalty without further warning if the individual refuses to leave or returns while the trespass warning is in effect.</u> <u>A trespass warning may be issued for a definite or indefinite period of time and may be issued for all College properties, some portion thereof, and/or a particular College sponsored event(s).</u>
<u>Visitor</u>	<u>An unaffiliated person on college property, this includes but is not limited to guests, vendors, parents and/or family members of students, and persons invited by the College community.</u>