

Policy Manual



Title: Trespass	Number: 6Hx2-2.02
Legal Authority: <i>Florida Statutes 1001.64</i>	Page: 1 of 3

GENERAL STATEMENT

Any person whose behavior poses a threat to the safety of persons or property or who is considered a serious disruption to the educational or working environment of Broward College (“the College”) may be asked by appropriate College personnel to leave any College location effective until otherwise notified. Students, faculty, staff, and guests who do not comply may be subject to trespass and/or arrest by local law enforcement in accordance with applicable Statutes.

In accordance with College Policy 6Hx2-5.17 – Distribution of Literature and Solicitation, persons may freely engage in those activities in designated outdoor areas of any College campus provided they do not violate the restrictions of that policy.

Additionally, guests of the College may use outdoor and indoor public designated areas, as defined by the College provided that there is no threat to the safety of persons or property and that there is no disruption to the educational or working environment, including, but not limited to the following restrictions:

1. Disruption of the operation of the campus;
2. Behavior that can reasonably be expected to incite individuals so as to create a clear and present danger to person or property or the likelihood of imminent lawless action;
3. Littering, defacing or destruction of campus property or the property of students, faculty, staff or visitors;
4. Behavior that is harassing or stalking;
5. Excessive volume in message or activity that otherwise causes a disturbance to the learning and quiet enjoyment of the campus and learning environment;
6. Behavior that violates any applicable federal, state, or local laws, or College Policy or Procedure;
7. Unauthorized commercial transactions;
8. Impeding ingress, egress, or the orderly flow of pedestrian or vehicular movement;
9. Other behaviors that are reasonably designated by the Campus President as interfering with the educational and working environment of the College.

Public areas specifically exclude classrooms, outdoor learning activities, classroom buildings, private offices, and other student life areas designated for enrolled students, office buildings, and all other work areas for College personnel.

Persons who are not students or faculty or staff, who pose a risk to the safety of persons or property or who disrupt the educational or working environment of the College may be asked to leave College locations by the Campus President, College administrator or their designee. Such persons may appeal in writing to the Campus President within 5 business days after receiving a notice or warning to leave College premises. The Campus President or designee, College Administrator or designee, will respond within 5 business days after receiving the appeal. The decision of the Campus President or administrator shall be final.

History: Revised on March 19, 1991; revised and re-numbered on April 16, 1997; revised on October 25, 2011.

Approved by the Board of Trustees	Date: 10/25/2011	President’s Signature 	Date: 10/25/2011
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Policy Manual



Title: Trespass	Number: 6Hx2-2.02
Legal Authority: <i>Florida Statutes 1001.64</i>	Page: 2 of 3

THE POLICY AND THE STUDENT

Currently enrolled students who pose a risk to the safety of other persons or property or who seriously disrupt the educational or working environment of the College may be asked to leave College locations by a Campus President, Administrator or designee, in consultation with the Vice President for Student Affairs and Enrollment Management. In general, a warning to leave College locations shall be based on a violation of College Policy 6Hx2-5.02 – Student Code of Conduct or a violation of State Statute deemed serious enough to warrant trespass. Students who do not leave College premises after a notice or warning are subject to arrest by law enforcement personnel for trespass. Students who are directed to leave College premises based on a violation of the Student Code of Conduct shall have a right to appeal in accordance with the provisions of the Student Code of Conduct policy and procedure.

THE POLICY AND THE FACULTY AND STAFF

Faculty and staff who pose a risk to the safety of persons or property or who seriously disrupt the educational or working environment of the College may be asked to leave College locations by the Campus President, Administrator or designee and/or the Associate Vice President for Human Resources and Equity or designee. Faculty and staff who do not leave College premises after notice or warning are subject to arrest by law enforcement personnel for trespass.

Non represented staff who are directed to leave College premises may appeal in accordance with the provisions of College Policy 6Hx2-3.28 – Filing of Complaints for Administrative and Non-Represented Technical Staff. Represented Faculty may be heard in accordance with the Collective Bargaining Agreement between the Board of Trustees of Broward College and the United Faculty of Florida. Professional Technical Staff represented by the Federation of Public Employees (FPE) may refer to the Collective Bargaining Agreement between the College and FPE for any grievance rights.

IMPLEMENTATION AND OVERSIGHT

The President has the authority to establish procedures to implement this policy. The Campus Presidents or Administrator in consultation with the District Director of Safety and Security are responsible for implementation and oversight of this policy. For issues involving students, the Vice President for Student Affairs and Enrollment Management should be consulted. For issues involving employees, the Associate Vice President of Human Resources should be consulted.

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Legal Authority: <i>Florida Statutes 1001.64</i>	Page: 3 of 3

VIOLATION OF POLICY

Students, employees, and all other persons who refuse to leave College locations after notice or warning are trespassing and are subject to arrest and prosecution by local law enforcement agencies.

Students found in violation of this policy are also subject to discipline in accordance with College Policy 6Hx2-5.02 – Student Code of Conduct, up to and including expulsion from the College.

For employee issues, violations of this policy shall be investigated by the Associate Vice President for Human Resources and Equity and/or his/her designee and may result in disciplinary action up to and including termination:

- For non-represented employees, action will be taken pursuant to the terms and conditions of the relevant employment contract, if applicable.
- For full-time Faculty, refer to the Collective Bargaining Agreement between The Board of Trustees of Broward College and United Faculty of Florida, Broward College Chapter, Article 2.33.
- For represented professional technical staff, refer to the Collective Bargaining Agreement between the Board of Trustees of Broward College and Federation of Public Employees, Article 2.

DEFINITIONS

Trespass – failure to leave any College location after being directed to do so by the College.

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